



Sussex Police
Serving Sussex

www.sussex.police.uk

West Sussex Division
Neighbourhood Licensing Team

West Sussex Licensing Team
Centenary House
Durrington Lane
Worthing
West Sussex
BN13 2PQ

Tel: 01273 404 030

WS_Licensing_WOR@sussex.pnn.police.uk

14th February 2022

The Licensing Team
Environmental Health Department
Arun District Council, Arun Civic Centre
Maltravers Road
Littlehampton
BN17 5LF

Dear Licensing Team,

REVIEW APPLICATION FOR SUSSEX NEWS, 15 SURREY STREET, LITTLEHAMPTON, BN17 5AZ [PREMISES LICENCE NO. 114092] BY WEST SUSSEX COUNTY COUNCIL TRADING STANDARDS. YOUR REFERENCE 115848.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation in respect of this review application on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm.

Mr Aston, Trading Standards Team Manager for West Sussex County Council Trading Standards has submitted a review application dated 17th January 2022 to Arun District Council in respect of this premises. Trading Standards received intelligence last November that this premises was being targeted by the street drinking community, who were supplying age restricted products to under 18s from this shop via proxy purchasing.

A Trading Standards visit was conducted to the premises on the 23rd November 2021 to the shop, when it became apparent that there were no underage sales preventative measures and no age verification information displayed.

The following day a letter was sent by Trading Standards to Mr Shahzad (the joint named Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS)) about underage sales. The letter also provided advice about challenge 25, staff training, refusals logs, till prompts, signage and CCTV.

On the 25th November Sussex News sold alcohol to a sixteen year old as part of a Trading Standards test purchase operation. The seller did not make any age challenge when selling alcohol to the child, nor ask for any ID. This is particularly worrying as the seller was the same person who Trading Standards officers had spoken to in person during their visit only two days before. The premises has a challenge 25 condition on the licence requiring age ID to be requested by anyone appearing to be under 25.

The seller was unable to operate the electronic refusals register on the till. This is particularly concerning if, as alleged by the DPS/PLH, the seller had received training in age restricted sales only the day before on the 24th November.

We note with some concern that the seller claimed that they “misjudged” the child’s age because the child was wearing a facemask in compliance with national Covid 19 regulations. Nevertheless there was still a challenge 25 condition on the licence, and if in any doubt the seller should have asked for age ID for anyone aged up to 25. There are even national shop chains (Tesco being one example) where they have signage at tills advising that persons attempting to purchase age restricted products may be asked to remove their face masks for the purposes of age identification.

Trading Standards conclude their review application by asking for revocation of the premises licence for Sussex News.

Upon receipt of the review application Sussex police arranged for a follow up unannounced licensing visit to Sussex News. This visit took place on Monday 21st January 2022 at 11.15 by PC Lucas, an experienced uniform Police Licensing Officer, in the company of Mr Andrew Burrows, a long serving Arun District Council Licensing Officer.

This visit was recorded on PC Lucas’s body worn video camera with sound. A copy of this video will be made available to the Committee on the day of the hearing should they wish to view it.

A witness statement from PC Lucas is attached to this representation detailing his visit. This visit is of particular concern as it confirmed that multiple licence condition breaches were still evident at Sussex News. The Committee will note that this visit took place fifty eight days AFTER the failed test purchase on the 25th November 2021.

To summarise the continuing breaches confirmed by the visit on the 21st January 2022:

Part B of the premises licence was not on display. This is basic licensing law which the joint PLH/DPS (who would have sat and passed the Personal Licence Holders exam to qualify for a personal licence) should know. This was also clearly spelt out in the letter from Arun District Council to Mr Shahzad dated 11th January 2021 which also contained part A & B of the licence.

Part A of the licence (which crucially contain all the licence conditions) could not be found. Only the front page of part A of the licence was incorrectly on display in the front window. Again the full licence should be kept on the premises, and again this was made clear in the Council letter of the 11th January 2021.

The premises licence for Sussex News contains the following conditions under Annex 2. These have been numbered for ease of reference for the purposes of this representation:

Prevention of Crime and Disorder:

1. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
2. The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
3. CCTV footage will be stored for a minimum of 31 days.
4. The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member will be able to show police and download recent data or footage with the absolute minimum of delay when requested.
6. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
7. Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
8. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

9. In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable
10. An incident log shall be kept at the premises, and made available on request to officers of any responsible authority, which will record the following:
 - All crimes reported to the venue;
 - All ejections of patrons;
 - Any complaints received;
 - Any incidents of disorder;
 - Any faults in the CCTV system or searching equipment;
 - Any refusal of the sale of alcohol (in addition to being recorded in the refusals system);
 - Any visit by an officer of a responsible authority.
11. All off sales will be supplied in sealed containers.

Prevention of Public Nuisance:

12. No more than 20% of the sales area to be used at any one time for the sale, exposure for sale, or the display of alcohol.
13. Notices will be prominently displayed at all exists requesting patrons to respect the needs of local residents and leave the area quietly.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 and 08:00 hours.

Protection of Children from Harm:

16. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram.
17. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

18. The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- The lawful selling of age restricted products
- Refusing the sale of alcohol to a person who is drunk

19. Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three months, with the date and time of the verbal reinforcement/refresher training documented.

20. All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

21. The premises shall at all times maintain and operate refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book will be kept at the premises and made available to officers of any responsible authority upon request.

The Committee will note that the above are very basic 'nuts and bolts' conditions which one would expect to see as a minimum on any retail premises with off sales of alcohol, especially one that sells alcohol fifteen hours a day until 23:00, seven days a week.

When asked, the shop assistant could not produce a refusals book or an incident log. This is a breach of condition 10 and 21 above.

The shop assistant had no knowledge on how to operate the CCTV system. This is a breach of conditions 1 - 9 above.

The CCTV was not recording as there was a fault with the hard drive. The last time the CCTV had been checked was reported as the 28th November 2021. So potentially the premises could have been without recording CCTV for 54 days from 29th November to the date of this visit on 21st January 2022.

The Committee will note that condition 1 above clearly refers to the CCTV system being "operated and maintained throughout the premises" and "the system will be on and recording at all times the premises licence is in operation". It is critically important that the premises has a fully functioning and working CCTV system both to protect staff (remember this premises sells alcohol until 23:00 at night with one member of staff on duty) in the event of assaults and robberies, and to ascertain the truth in the event of contested accusations of selling age restricted products to children.

Mr DPS/PLH stated when asked that he employed three members of staff. When asked he could not provide any staff training records for these three members of staff. This is a breach of conditions 18, 19 and 20 above.

When PC Lucas then invited the sales assistant in the presence of the DPS/PLH to explain the challenge 25 policy and what this meant. It was clear from his reply that the sales assistant had no idea what challenge 25 was, and it is reasonable to conclude on the balance of probabilities (remembering that the DPS/PLH had moments before been unable when asked to produce training records....) that he had received no training. Again here we have breaches of conditions 16, 18, 19 and 21.

The DPS/PLH then managed to produce a refusals log from behind the till. Crucially however the sales assistant who had been on duty on their own inside the shop (before the DPS/PLH attended as PC Lucas and Mr Burrows had arrived) had no knowledge of the refusals register. Clearly if the sales assistant had no knowledge of the refusals register and was left alone in the shop selling alcohol, then for practical common sense purposes the refusals book does not exist.

When asked, Mr Shahzad stated that the employee who sold alcohol to the child started work at the shop on the 15th November 2021. The training record produced by Mr Shahzad subsequently was signed by the seller on the 24th November. This is a breach of 18 which expressly states that staff training on age restricted products must take place PRIOR to the selling of such products.

No incident log could be produced by the DPS/PLH. This is a breach of condition 10.

It was noted by PC Lucas the very large quantity of alcohol on retail display inside the shop. We note the condition on the licence: [No more than 20% of the sales area to be used at any one time for the sale, exposure for sale, or the display of alcohol](#). PC Lucas commented that up to 40 – 45% of the retail display was alcohol. This is a breach of condition 12. The fact that the DPS/PLH clearly operates their premises with little if any regard to the promotion of the licensing objectives and clear and flagrant disregard for the conditions on the premises licence in view of the very large quantities of alcohol being sold is a serious concern.

With reference to condition 13: [Notices will be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly](#). There were no signs on display.

The premises licence for this shop was granted on the 11th January 2021. At the time of the failed test purchase in November 2021, the premises was in possession of the licence with the attached conditions for over ten months. Notwithstanding the fact that the policies and procedures should have been in place before alcohol was even sold, the DPS/PLH has had nearly a year to get their house in order. Despite this we still see a catastrophic failure to promote the licensing objectives and adhere to basic licence conditions in November.

The revised S.182 Guidance to the Licensing Act 2003 (April 2018) issued by The Home Office states:

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

In this case there has been one failed test purchase and not two. However 11.29 of the statutory guidance refers expressly to premises that operate responsibly and undertake due diligence checks on those who appear to be under the age of 18. The Guidance then states that "where these systems are in place..." Sussex police contend to the Committee that unfortunately in this case systems are quite clearly not in place. Furthermore, they were clearly still not in place weeks after a failed test purchase when the Licensing Authority (represented by Mr Burrows) and Sussex police arrived unannounced to conduct a licensing visit.

The premises licence with conditions was issued in January of last year. Ten months later at the time of the failed test purchase there were evidently multiple condition breaches.

Trading Standards visited the shop on the 23rd November. The test purchase failure was on the 25th November. Eighty eight days then passed until the unannounced inspection visit by PC Lucas and Mr Burrows. Quite clearly little if anything had been done by the DPS/PLH in the meantime that was apparent on the 21st January to address the problems and breaches at the shop. When PC Lucas and Mr Burrows attended the premises there were still serious breaches of basic conditions.

We would also remind the Committee that not only is the DPS/PLH Mr Shahzad in breach of multiple conditions in annexe 2 of the premises licence for Sussex News, but he is also in breach of mandatory conditions on the licence:

5.(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The Designated Premises Supervisor in relation to the premises licences must

ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

(a) a holographic mark

or

(b) an ultraviolet feature.

Mr Shahzad is also in breach of the S.182 Statutory Guidance as follows:

Age verification

10.46 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.39) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature. The Home Office encourages licensed premises to accept cards bearing the Proof of Age Standards Scheme (PASS) hologram as their preferred proof of age, while acknowledging that many other forms of identification meet the requirements of the mandatory condition.

10.47 The premises licence holder or club premises certificate holder must ensure that staff (in particular, staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy which applies by the premises.

10.48 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy. 10.49 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.

Trading Standards in their review application state that they do not have confidence the licensing objectives will be promoted by the carrying on of licensable activities at these premises and deem it both proportionate and necessary to invite the committee to consider a review of the premises licence and that it is both proportionate and necessary to revoke the licence.

Sussex police fully support the stance taken by Trading Standards in this case, and also invite the Committee to consider revoking the premises licence for the reasons stated above.

Yours sincerely,

A black rectangular box redacting the signature of the Inspector.

Inspector David Derrick CD295
West Sussex Licensing Inspector
Sussex Police