

**STATEMENT OF WITNESS**

(Criminal Procedure Rules, r. 27.1(1);  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s. 5B)

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STATEMENT OF Steven George Wright

Age of Witness (if over 18, enter over 18): over 18

Occupation of Witness: Licensing Officer

This statement (consisting of Number pages pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the .....Signed: .....

My name is Steven George Wright. I am a Licensing Officer with Arun District Council. My duties include investigating reports of unauthorised licensable activities and giving advice in respect of the Licensing Act 2003. In this capacity I have access to all usual records within the licensing department of Arun District Council.

As a result of examining Council records, I am aware that there is a premises known as Sussex News 15B Surrey Street, Littlehampton, West Sussex. BH17 5AZ I am aware that Mr Khawar Shahzad holds a premises licence, personal licence and is the Designated Premises Supervisor (DPS) for this premises. On Tuesday 18 January 2022 I carried out a compliance inspection of the premises. I arrived at the premises at 08:30 hours and asked to speak to the owner or DPS. I was informed by the shop assistant on duty that Mr Shahzad is not here, but I will call him. I briefly spoke to the person I now know as Mr Shahzad on the mobile phone to be informed, I am on my way. Mr Shahzad arrived at approximately 09:05 hours, when I provided my name, my title of Licensing Officer for Arun District Council and the purpose of my visit, which was to inspect the premises to ensure compliance with the Licence granted in accordance with the Licensing Act 2003. While I waited for Mr Shahzad, I noticed Part B of the premises licence displayed in the front window of the premises.

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I then asked to view Part A of the licence, but the shop assistant did not appear to understand my question. I decided to wait for Mr Shahzad to arrive at the premises. When Mr Shahzad arrived, I introduced myself and asked to see Part A of the premises licence for the premises. Mr Shahzad then produced his mobile phone with a copy of the licence. I asked for a hard copy of the licence, which I reminded him must be available for inspection upon request. Mr Shahzad informed me that this is the only copy. I believe this is contrary to section 57(5) of the Licensing Act 2003, which clearly states “The holder of the premises licence must secure that the licence or certified copy of it in the custody or under control of (a) the holder of the premises licence, or (b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection”. Part A of the licence was neither in the custody of the shop assistant when I arrived nor was he nominated in writing. The Licensing Act 2003 also states at Section (2A) “if the premises are being used for the sale by retail of alcohol for consumption off the premises in reliance on the authorisation granted by virtue of section 172F(2) the holder of the premises licence must secure that a statement that that is the case, which also makes clear what are off-sales authorised by virtue of Section 172G(5). I informed Mr Shahzad that a copy was not available following my request to the shop assistant when I arrived. However, I continued my inspection by using the mobile phone owned by Mr Shahzad. I first asked Mr Shahzad to explain to me his home delivery of alcohol. He explained that he does not deliver the alcohol, this is done by Deliveroo. He explained that the order is sent to Deliveroo by the customer, the driver collects the alcohol from the shop and delivers it to the customer. I then asked about the returns policy to be told that Deliveroo do not return alcohol to the shop. I asked what they do with the alcohol, and he informed me “they put it in the bin”. I pointed out that this was in breach of his licence condition which states “in the event that a recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises”.

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I instructed Mr Shahzad to contact Deliveroo and to inform them about the condition of licence and insist that alcohol is returned to the shop. Mr Shahzad said "it has only happened once. I asked how he knows how many times this has happened. I reminded Mr Shahzad about the conditions of licence in respect of information on his website or fliers, which should inform customers that "at the time the order is placed a declaration will be required from the person placing the order that that person is aged over 18 years of age. I was informed by Mr Shahzad, "we do not have a website". Mr Shahzad could not evidence compliance with the conditions of licence by producing documentation. The licence clearly states, "this process will be documented (tick box before proceeding, record verbal acknowledgement or similar)". "These records must be retained for no less than twelve months and produced on request to an officer of a responsible authority. A further condition states "Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eat), the premises will ensure that the third party only employs delivery employees or agents aged 18 and over, is aware that alcohol is included in the delivery, that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over". Mr Shahzad could not produce any evidence of compliance with the delivery service made by Deliveroo. I then asked Mr Shahzad about the CCTV system. I could only see the monitor, which is positioned above the central isle. I asked Mr Shahzad who installed the system to which he replied, "I did". I asked Mr Shahzad if the system was installed in accordance with the Home Office guidance as stated on his licence, but he did not know. I then asked about the retention of images and the period these are kept, Mr Shahzad answered "28 days". This is contrary to the condition on the licence which clearly states, "31 days". While I waited for Mr Shadzad to arrive at the premises, I asked the shop assistant if he could download images from the CCTV, to which he

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replied “no”. I pointed out to Mr Shahzad the condition of licence which states, “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”. The CCTV conditions continue by stating, “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”. I then asked to see the training records for all staff, Mr Shahzad produced authorisation to sell alcohol, but no training records. I asked to see the incident book, records of any failure of the CCTV system, visits by an officer of the responsible authorities, which were not available. I did witness a till report for refusals, but no past records were available. I then raised the amount of alcohol on display and reminded him of the condition of licence, which clearly states, “No more than 20% of the sales area to be used at anyone time for the sale, exposure for sale, or the display of alcohol”. In my opinion I would estimate between 40 to 45% of the shop. If not up to 50% of the shop was used for the display of alcohol, exposure for sale. I asked Mr Shahzad to reduce the amount of alcohol on display to 20%. The final matter raised with Mr Shahzad was the absence of a notice at the entrance/exit of the premises, which requests customers respect the needs of local residents and to leave the area quietly. I informed Mr Shahzad that I would return in 14 days to reinspect the premises. I instructed him to read his licence and to fully comply with all conditions. I am satisfied that Mr Shahzad, as the Designated Premises Supervisor and holder of the Premises Licence commits an offence under Section 136(1) of the licence issued under the Licensing Act 2003 by carrying on a licensable activity other than in accordance with an authorisation. On Tuesday 1 February 2022 at 08:00 hours I returned to the premises to check compliance. The remaining matters are, the return of alcohol by Deliveroo, which I

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said I would attempt to address with them directly. Mr Shahzad assures me that he did contact Deliveroo about the condition of licence at which point he showed me a copy of their policy, which states that driver's will dispose of the alcohol responsibly if they refuse delivery, which causes me concern and the reason why I stated that I would take this up with Deliveroo directly. I attempted to contact Deliveroo by phone without success. I have on-going email correspondence with Deliveroo, but at the time of writing this statement I do not have a satisfactory response to my questions about their delivery policy in respect of alcohol and assisting licensees to adhere to their licence conditions. The matter of displaying alcohol was also outstanding. Mr Shahzad produced a calculation, which in his opinion demonstrates the shelving used for the display of alcohol is at 20% and in compliance with the condition of licence. The condition attached to the premises licence does not stipulate how the calculation is to be performed in order to establish 20%. The condition reads "No more than 20% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol". The condition does not stipulate the 'Sales Area', but I consider this to be the total area shown by the approved plan attached to Premises Licence 114092, which shows the entire shop, attached as exhibit 1. Should the calculation be based on the cubic metres then in my opinion significantly more alcohol could be on display than that currently on display. Mr Shahzad chose to calculate the entire amount of shelving available for his calculation, which did result in a reduction to that witnessed by me at the time of my initial inspection on 18 January 2022. The final outstanding matter is the installation of the CCTV system. The condition reads "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". I am not qualified to assess the installation to ensure it complies with Home Office Guidelines. However, I am

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satisfied that compliance with the requirement to download images, by the introduction of a USB adaptor accessible within the shop positioned above the central isle. I did not witness any CCTV training records for staff, however. The final general matter relates to the plan, which I obtained and delivered it to the premises on 1 February at 09:10 hours. I had cause to point out to Mr Shahzad that the layout of the premises is significantly different to the approved plan. I handed over a copy of the plan to Mr Shahzad. The counter is now positioned to the left of the entrance, the wine shelving is to the left of the entrance, the beer and wine fridge is also located on the left-hand side and not to the right in accordance with the approved plan. The change in layout is a further offence under Section 136 of the Licensing Act because the premises layout is not in accordance with the approved plan which forms part of the licence. I informed Mr Shahzad that the premises should be set up in accordance with the plan, or alternatively he should submit application for a Minor Variation. I believe that at the time of writing this statement the premises remains the same and Arun District Council has not received a Minor Variation.

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