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**West Sussex Division**  
Neighbourhood Licensing Team

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3<sup>rd</sup> April 2023

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

Dear Licensing Team,

**RE: APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR JUSTIN RETAIL LIMITED TRADING AS PREMIER, 220 – 222 CHICHESTER ROAD, BERSTED, BOGNOR REGIS, WEST SUSSEX. PO21 5BE. UNDER THE LICENSING ACT 2003. YOUR REF: 22/117865/LAPRER.**

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 and the protection of children from harm.

This is a review hearing upon the application of West Sussex County Council Trading Standards following a number of interactions with the premises.

Sussex police support the review application by Trading Standards requesting revocation of the premises licence.

It is concerning that the person who sold alcohol to a child on the test purchase operation on the 23<sup>rd</sup> November 2022 was:

- Mrs Patel the store manager;
- Mrs Patel had worked at the shop for 2.5 years prior to the sale;
- That Mrs Patel stated that she had received training on age restricted products;
- The shop operated a challenge 25 policy
- There was a till prompt on the till reminding the seller to check for ID every time alcohol was scanned through the till

and yet still alcohol was still sold to a 17 year old with no questions asked whatsoever. When questioned afterwards Mrs Patel said she thought the 17 year old child looked 26 – 27 years old.

We also note with concern that the director of the Premises Licence Holder company Mr Sanjay Patel stated to Trading Standards officers that the seller Mrs Patel was on the phone at the time of the sale and was distracted. This is unacceptable and not an excuse. There is a reason why it is illegal to use hand held mobile phones whilst driving. Equally Mr Patel should ensure that his staff do not take phone calls or allow themselves to be distracted whilst serving customers, especially when selling age restricted products.

We also note with concern that Mr Sanjay Patel is also a director of Nick Retail Ltd trading as Selsey Convenience Store at 143 High Street, Chichester. Whilst we appreciate that this is a different store in a different licensing authority, it is particularly frustrating that we have already been to a council licensing committee hearing at Chichester Council in respect of Selsey Convenience Store on the 26<sup>th</sup> January 2023, again because age restricted products including alcohol were sold to children.

Again Mr Patel had an excuse that that the member of staff who sold had a lot to deal with and was busy dealing with a new stock delivery as well as serving customers. As is the case with the mobile phone whilst serving referred to above, that is not really an acceptable excuse.

Moving back to this review application, an unannounced police licensing visit was made to the premises on the 30<sup>th</sup> March 2023. The only point of note was that the time on the CCTV system as 20 minutes out, which the supervisor promised to rectify.

It is noted that currently there are no conditions whatsoever in annexe 2 of the licence. Should the Council Licensing Committee decide not to revoke the licence or instead suspend the licence, then Sussex police invite the Committee to update the premises licence conditions up to current modern standards by imposing all of the following conditions in annexe 2 of the licence as follows:

#### **The prevention of crime and disorder:**

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.

The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

CCTV footage will be stored for a minimum of 31 days

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.

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. The time will be amended promptly when British Summer Time starts and ends.

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.

Any breakdown or system failure will be notified to the Police Licensing Department immediately (and retain documentary evidence in the form of an acknowledgement or receipt that this has been done) & remedied as soon as practicable.

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.

All off sales of alcohol will be made in sealed containers.

Spirits will be stored and displayed behind the server/service counter out of the reach of the public.

#### **For the Protection of Children from Harm:**

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, official photographic identity cards issued by EU states bearing a hologram or ultraviolet feature.

Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises, including the point of sale and the area where the alcohol is displayed.

The Premises Licence Holder shall ensure that all staff members (including family members, friends and all temporary staff) engaged or to be engaged, in selling alcohol at the premises shall receive 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

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.

All such training and refresher training undertaken by staff members shall be fully documented 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.

The premises shall at all times maintain and operate an incident log and refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor (with the date and time of each review documented) 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. All incidents recorded in the log/refusals register will be retained on the premises for a minimum of twenty four months.

Feedback will be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.

A list of staff members who are authorized to sell alcohol on the premises will be kept. This shall be endorsed by the DPS with the date of such authorisation commences.

At all times the premises is open and undertaking licensable activities, members of staff must be able to communicate sufficiently to enable them to promote the four licensing objectives, specifically, the ability to make effect age and identification challenges and to ensure alcohol is retailed responsibly.

#### **Conditions for alcohol delivery service:**

Alcohol deliveries will only be made to a residential or business address and not to a public place.

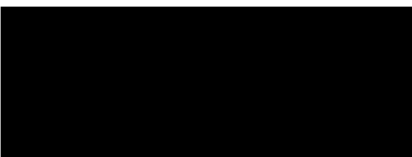
The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.



At the time the order is placed a declaration will be required from the person placing the order that that person is aged 18 years or over, and that the intended recipient are over 18 years or over. This process will be documented, (tick box before proceeding, record of 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.

1. For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.
2. For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.
3. 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 Eats), 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;
  - that in the event that the 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.

Yours sincerely,



**Inspector David Derrick CD295**  
**West Sussex Licensing Inspector**  
**Sussex Police**