



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Peter Aston, Trading Standards, Team Manager, West Sussex County Council Trading Standards Service

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

**Felpham Corner Shop Ltd t/a Premier Corner Shop
109-111 Felpham Road**

Post town:
Bognor Regis

Post code (if known):
PO22 7PW

Name of premises licence holder or club holding club premises certificate (if known)

Mrs Minal Patel

Number of premises licence or club premises certificate (if known)

6444

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible

authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address: FOR & ON BEHALF OF THE RESPONSIBLE AUTHORITY APPLICANT: Mr Peter Aston Team Manager West Sussex County Council Trading Standards Service Parkside Chart Way Horsham RH12 1XH
Telephone number (if any) 0330 222 7661
E-mail address (optional) peter.aston@westsussex.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

West Sussex County Council Trading Standards Service (the 'Responsible Authority') contends the following licensing objectives have been undermined by the carrying on of licensable activities at these premises:

- the prevention of crime and disorder and
- the protection of children from harm

Full particulars in support of the application are to be found in the next section, but in summary:

Prevention of crime and disorder

On the 23rd of November 2022, during a controlled Trading Standards Test purchasing exercise, a shop employee at Felpham Corner Shop Limited t/a Premier Corner Shop, sold alcohol to a Trading Standards volunteer who was under the age of 18.

The sale of alcohol to a person under the age of 18 is a criminal offence under the Licensing Act 2003.

Protection of children from harm

Despite the store displaying Challenge 25 signage around the premises and claiming to operate such policy, the seller did not follow the guidance of such policy, contrary to the Licence Mandatory condition:

"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"

Please provide as much information as possible to support the application (please read guidance note 3)

2022

On the 4th of April 2022, the Responsible Authority received an intelligence report, alleging Felpham Corner Shop Ltd t/a Premier Corner Shop, 109-111 Felpham Road, Bognor Regis, West Sussex, PO22 7PW regularly sells energy drinks and cigarettes to individuals aged under 18 from a local school.

On the 29th of June 2022, a Trading Standards Officer from the Responsible Authority conducted an advice visit in relation to selling age restricted products. The Trading Standards Officer spoke to one of the directors of the business, Mrs Minal PATEL. Several points around age restricted products and training were discussed during the advice visit with Mrs PATEL.

On the 1st of July 2022, a follow up advice letter, which reiterated what was discussed from the advice visit, was sent to Mrs PATEL.

On the 23rd of November 2022 as part of an underage sales operation the Responsible Authority were carrying out that day. A 17-year-old volunteer under the instruction and supervision of the Responsible Authority entered Felpham Corner Shop Ltd t/a Premier Corner Shop 109-111 Felpham Road, Bognor Regis, West Sussex, PO22 7PW. The child volunteer selected two cans of Gordons Pink Gin & Tonic and took them to the till. A female working behind the till area sold the two cans of Gordons Pink Gin & Tonic to the child volunteer, without asking them for any identification.

After securing the two cans of Gordons Pink Gin & Tonic as evidence, Trading Standards Officers immediately returned the shop to explain to the seller about the test purchase and take all the necessary and relevant information to instigate an investigation. Under caution, the seller stated the volunteer looked 19 years old. The seller advised that they had been working on and off for a couple of weeks and that they have had verbal training on age restricted products. When the seller was asked about 'Think 25' Policy they said they were trained on this policy. The seller explained that the alcohol was sold to the underage volunteer because they did not think, and that it was within school hours.

Further questions were put by the Responsible Authority to a representative of the company. Mr Harshadkumar Jayentibhai PATEL and Ms Minal Manubhai PATEL are directors of the Company and responded to questions. Mrs Minal Manubhai PATEL is the DPS for this premises. Mr PATEL explained that the sale of alcohol was due to a mistake from the seller/shop employee. Mr PATEL explained that the seller/shop employee was on training and that him and Ms PATEL were unloading stock from the car when the unlawful sale of alcohol took place. Mr PATEL and Mrs PATEL stated that they never leave the seller alone normally. Mr PATEL advised that the seller/shop employee received verbal training but there is no written documentation that the seller/shop employee had signed.

Mr PATEL is the DPS for a business of Felpham Corner Shop Limited. That second business trades as Premier, Elmer Beach Stores, 91- 93 Elmer Road, Bognor Regis, PO22 6HB.

Under Section 146 of the Licensing Act 2003, it is a criminal offence to sell alcohol to a child under the age of 18 years old. Section 146 (4) contains a defence 'that he believed the individual was 18 or over, and he had either taken all reasonable steps to

find out the individual's age or that no one could reasonably suspect from their appearance that they were under 18.'

The sale of alcohol to an underage person in the circumstances outlined is a breach of the licensing objective 'the protection of children from harm'. The licensee has failed in their responsibilities to promote this licensing objective.

In considering a review of this premises licence, the committee are reminded that the second licensing objective 'Prevention of Crime and Disorder' has also been failed by commission of the criminal offence that took place on the 23rd November 2022.

In view of the above, the Responsible Authority do not believe the licensing objectives are being continually upheld at Premier Corner Shop, 109-111 Felpham Road, Bognor Regis, PO22 7PW, and deem it both proportionate and necessary to invite the committee to consider a review of the premises licence, to limit further criminal activity by this licence holder and to act as a deterrent to other operators considering such illegal conduct.

As underage age advice had been provided before the sale of alcohol was made to a Trading Standards volunteer. The Responsible Authority suggests an appropriate outcome of the review would be a 3-month suspension.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

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Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **28th April 2023**

Capacity **Trading Standards Team Manager**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.