

Licensing Sub Committee
14 MARCH 2023

Present: Councillors: John Blackall, Lynn Lambert and Diana van der Klugt

LI/23 **ELECTION OF CHAIRMAN FOR THE MEETING**

RESOLVED

That Councillor Diana van der Klugt be elected Chairman for the meeting.

LI/24 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

LI/25 **ANNOUNCEMENTS**

There were no announcements.

LI/26 **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003**

The application for the review of a Premises Licence for the sale by retail of alcohol had been submitted by West Sussex County Council (WSSCC) Trading Standards on 30 January 2023. The application related to the licence held by Mr Harinder Singh Anand for his premises trading as Choice of Horsham, 1 Park Way, Horsham, West Sussex RH12 1DP.

The Licensing Officer presented the report, which set out details of the events that led up to the application. This included the alleged sale of age-restricted products to a child under the appropriate age, and a test purchase operation carried out by Trading Standards Officers on 14 December 2022 when alcohol was sold to a child under the age of 18.

The applicant considered that the following licensing objectives had not been met:

- Protection of children from harm
- Prevention of crime and disorder

Responsible Authorities: Sussex Police supported the review request by Trading Standards. Horsham Denne Neighbourhood Council supported the review and considered the breach serious and potentially harmful to young

people. There had been no further consultation responses from other responsible authorities.

The Sub Committee heard from the applicant who, by way of background, advised of a national crackdown on underage selling launched in October 2021 and WSCC Trading Standard's Zero Tolerance policy launched in January 2022.

He outlined the events that had occurred and history of non-compliance at the premises including evidence of sales of illegal vapes and travel adapters and incorrectly labelled cannabis related food items which the applicant had dealt with by issuing the Premises Licence holder with both advisory emails and a formal warning letter. The warning letter also advised the Premises Licence holder that any breach of the Licensing Act 2003 might lead to a licence review.

The Sub Committee then heard from Mr S Panchal of Personal Licence Courses UK Ltd, a representative of the Premises Licence holder. He gave a detailed account of the training regime used by the company, including regular training, the checks in place, and in particular the refusals book, till prompt and pocket guide for staff. He stated that the member of staff who had made the under-age sale had completed all necessary training and previously demonstrated an understanding of his responsibilities. The representative advised the Sub Committee that the Premises Licence holder had been involved with the premises since 2017 and this was the only incident of under-age sales. Patrons of the shop had also produced a petition in support of the store.

The Chairman and members of the Sub Committee considered the statements and responses from the Premises Licence holder and the applicant, and all the evidence presented in the appendices to the report.

The Chairman invited the Sub Committee to move to private session to deliberate.

The Licensing Sub Committee considered their decision under the following licence objectives, as required under the Licensing Act 2003:

- Prevention of Crime and Disorder
- Protection of Children from Harm.

The Licensing Sub Committee also had regard to the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003, the Equality Act 2010 and Horsham District Council's Statement of Licensing Policy.

RESOLVED

- (i) to suspend the alcohol licence for a period of one calendar month;
- (ii) that the licensing conditions at pages 53-55 of the report are substituted for the existing conditions to the licence.

REASON

There had been a clear failure on 14 December 2022, admitted by the Premises Licence holder, to promote the two licensing objectives:

- (i) Prevention of Harm to Children, and
- (ii) Prevention of Crime and Disorder

The Sub Committee felt there was a weakness in the training regime at Choice of Horsham. The Sub-Committee noted a history of trading irresponsibly in the past. Proper records should have been kept and should now be kept of all training received. The Personal Licence holder had expressed a determination to keep better records of training.

The Sub Committee felt that the Premises Licence holder was apologetic and keen to do better.

The applicant and Sussex Police argued in favour of a three-month suspension of the Premises Licence.

The Premises Licence holder did not argue against a suspension of the licence but suggested that less than three months would be a more appropriate length.

The Premises Licence holder agreed that the conditions at pages 53-55 of the report, as recommended by Sussex Police, would be better than the existing licence conditions.

A formal Decision Letter setting out the full reasons for the Sub Committee's decision will be sent to the parties concerned within 5 working days after today's hearing.

RIGHT TO APPEAL

There is a right to appeal this Sub Committee's decision through an appeal to the Magistrate's Court. The rights are set out in the Licensing Act, and parties are reminded that an appeal must be commenced within 21 days of notification of the decision to a relevant party.

The meeting closed at 12.55 pm having commenced at 10.37 am. The meeting adjourned at 12.10pm for approximately 40 minutes.

CHAIRMAN