



Email: committeeservices@horsham.gov.uk
Direct line: 01403 215465

Licensing Sub-Committee

Tuesday, 14th March, 2023 at 10.00 am

Goodwood Room, Ground Floor, Parkside, Chart Way, Horsham

Councillors:

John Blackall
Lynn Lambert
Diana van der Klugt

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
1. Election of Chairman for the meeting	
2. Apologies for absence	
3. Declarations of Members' Interests To receive any declarations of interest from Members of the Committee	
4. Announcements To receive any announcements from the Chairman of the Committee or the Chief Executive	
5. Application for the Review of a Premises Licence under the Licensing Act 2003 To consider an application for the review of a Premises Licence in respect of Choice of Horsham, 1 Park Way, Horsham	3 - 62

This page is intentionally left blank

Report to Licensing Sub Committee

Date of meeting – 14 March 2023

By Chris Boyle, Licensing Officer

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Application for the Review of a Premises Licence under the Licensing Act 2003

Executive Summary

On the 30 January 2023 West Sussex County Council Trading Standards submitted an application to review the premises licence held by Mr Harinder Singh Anand for their premises trading as Choice of Horsham, 1 Park Way, Horsham, West Sussex, RH12 1DP following a failed test purchase conducted on the 14 December 2022.

Recommendations

The Sub- Committee is recommended:

- i) To determine the application for the review of a premises licence

Reasons for Recommendations

- i) The Sub-Committee is required to make a decision under the Licensing Act 2003

Background Papers

1. Premises Licence – Appendix 1
2. Review application – Appendix 2
3. Statement of Witnesses from Senior Trading Standards - Officer Appendix 3
4. Statement from Trading Standards Officer - Appendix 4
5. Statement from Trainee Trading Standards Officer – Appendix 5
6. Warning letter and Disclaimer of Goods to the Director of Ashman Express Limited trading as Choice of Horsham – Appendix 6
7. Email from Trading Standards giving advice re disposable e-cigarettes – Appendix 7
8. Four (4) Reports from Trading Standards following visits to Choices of Horsham, dated rang is from 06 June 2016 and 16 August 2022 – Appendix 8
9. Letter from Sussex Police – Appendix 9
10. Email from Horsham Denne Neighbourhood Council – Appendix 10
11. Email from The Alcohol and LNR Licensing Team, Interventions Sanctions and Compliance, Home Office. Appendix 11

Wards affected: Denne.

Contact: Chris Boyle, Licensing Officer, extension 5578

Background Information

1 Introduction and Background

- 1.1 For the Sub-Committee to determine the application for a review of an existing premises licence
- 1.2 On the 14 December 2022, Trading Standards Officers from West Sussex County Council conducted a test purchase operation following a report of an alleged sale of age-related products being sold to children under the appropriate age. On this occasion a sale of alcohol was made to a child under the age of 18 years and in the view of Trading Standards they felt that the following two licensing objectives were not being complied with:
 - Protection of children from harm
 - Prevention of crime and disorder

2 Relevant Council policy

- 2.1 Statement of Licensing Policy dated December 2018

3 Details

3.1 Following a report of a sale of age-related products to children Trading Standards Officers from West Sussex County Council conducted a test purchase at Choice of Horsham, 1 Park Way, Horsham, West Sussex, RH12 1DP with a child aged 16 years. The child was supervised at all times by Trading Standards Officers and when the sale of alcohol was made, they were close enough to observe that the member of staff failed to comply with an agreed operating conditions attached to the premises licence and states the following: A "Challenge 25" policy operates throughout the store whereby any person attempting to buy alcohol who appears to be under 25 years of age will be asked for photographic identification"

4 Next Steps

- 4.1 The Licensing Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives.
- 4.2 In making its decision, the Sub-Committee is also required to have regard to Guidance issued under the Section 182 Licensing Act 2003 (as amended) and the Council's own Licensing Policy
- 4.3 The Sub-Committee must take one of the following steps as it considers necessary for the promotion of the Licensing Objectives:
 - Decide that no action is necessary to promote the licensing objectives
 - Modify or add conditions to the licence
 - Exclude a licensable activity from the licence
 - Remove the designated premises supervisor
 - Suspend the licence for a period (not exceeding three months)
 - Revoke the licence

- 4.4 The Sub Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the four licensing objectives.

5 Outcome of Consultations

- 5.1 The application for the premises licence review was advertised on site and the application was advertised on Horsham District Council's website in accordance with the Statutory Requirements under the Licensing Act 2003.
- 5.2 A copy of the application was served on all statutory Consultees in accordance with the provisions contained within the Licensing Act 2003 and its associated regulations
- 5.3 **Responsible Authority Representation.**
- 5.4 **Sussex Police** – Representation Received
- 5.5 **West Sussex Fire & Rescue** – None Received
- 5.6 **Local Licensing Authority** – None Received
- 5.7 **Home Office** – No valid representation to make
- 5.8 **HDC Planning** – None Received
- 5.9 **HDC Pollution Team** – None Received
- 5.6.1 **Denne Neighbourhood Council** - Email supporting representation

6 Other Courses of Action Considered but Rejected

- 6.1 None

7 Resource Consequences

- 7.1 None

8 Legal Considerations and Implications

- 8.1 The Council has a duty to determine the application under the Licensing Act 2003

9 Risk Assessment

- 9.1 This application does not relate to any of the specific risks on the Corporate Risk Register


Appendix 1

Consequences of the Proposed Action

How will the proposal help to reduce Crime and Disorder?	The Sub-Committee are to determine the application under the four licensing objectives. The prevention of crime and disorder is one of the licensing objectives.
How will the proposal help to promote Human Rights?	The operation of the Licensing Sub-Committee is a quasi-judicial function and as such particular regard is to be had to Article 6 'the right to a fair trial'.
What is the impact of the proposal on Equality and Diversity?	There are no specific equality issues.
How will the proposal help to promote Sustainability?	There are no specific sustainability issues.

This page is intentionally left blank

**Part A
Licensing Act 2003 Premises Licence**

<p align="center">Horsham District Council <i>working in partnership to secure a better quality of life for all</i></p> <p>Public Health and Licensing, Parkside, Chart Way, Horsham, West Sussex. RH12 1RL 01403 215402</p>	 <p>Horsham District Council</p>
---	---

Premises Licence Number

LI/11/0132/PREM

Part 1 – Premises Details

<p>Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code</p> <p align="center">Choice of Horsham 1 Park Way Horsham West Sussex RH12 1DP</p>
--

<p>Where the licence is time limited the dates</p> <p align="center">Not Applicable</p>
--

<p>Licensable activities authorised by the licence</p> <p align="center">The Sale by Retail of Alcohol Only</p>
--

<p>Times the licence authorises the carrying out of licensable activities</p> <p align="center">Everyday 08:00 - 23:00hrs</p>
--

<p>The opening hours of the premises</p> <p align="center">Everyday ~ 07:00 - 23:00hrs</p>

<p>Where the licence authorises supplies of alcohol whether these are on and / or off supplies</p> <p align="center">For consumption Off the premises only</p>

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Harinder Singh Anand
14 Wesley Road
Hayes
Middlesex
UB32 2DR**

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Harinder Singh Anand
14 Wesley Road
Hayes
Middlesex
UB32 2DR**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number: LBHIL 3123

Licensing Authority: London Borough of Hillingdon

Note

This licence is issued pursuant to the legislation/regulations specified in it only and does not constitute a licence/approval/consent for any other purpose whatsoever, including other legislation, etc., administered by Horsham District Council.

The recipient of this licence is responsible for ensuring that all necessary licences/ approvals/consents/planning permissions, etc., are obtained and the grant of this licence does not constitute a representation that any necessary licences/approvals/consents/planning permissions, etc., will be granted, because each application must be considered separately.

Mandatory Conditions

All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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.
6. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3.Where

- (a) The film classification body is not specified in the licence, or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4.In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1.Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2.But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
- (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3.For the purposes of this section:

- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the Operating Schedule

General Licensing Objectives

Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police.

CCTV footage will be retained for a minimum of 28 days and the management will give full and immediate co-operation and technical assistance to the police in the event that CCTV footage is requested 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 and will be changed when British Summer Time starts and ends.

Except for mechanical breakdown beyond the control of the proprietor CCTV images shall be made available upon request to the Police.

Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable.

It will be the responsibility of the Designated Premises Supervisor to ensure that any request from the police for a recording to be made for evidential purposes is carried out as soon as possible.

Prevention of crime and disorder objectives

See above

Public safety objectives

See above

Prevention of public nuisance objectives

See above

Protection of children from harm

A "Challenge 25" policy operates throughout the store whereby any person attempting to buy alcohol who appears to be under 25 years of age will be asked for photographic identification.

The only forms of identification that will be accepted are passports, driving licences which have a photograph thereon, Portman Group Citizen Card or any other valid proof of age cards bearing the "PASS" mark hologram.

The list of approved forms of identification may be amended or revised with prior written agreement of the Sussex Police.

Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations throughout the premises.

All staff members engaged, or to be engaged, in the sale of alcohol on the premises shall have received the following training in age restricted sales:

- Induction training which must be completed and fully documented prior to the staff member being allowed to sell alcohol and said staff member will receive refresher training at intervals of no less than 8 weeks.
- All age restricted sales training undertaken by staff members shall be fully documented and all training records shall be made available to the Sussex Police and the local Trading Standards Service upon request.

The Designated Premises Supervisor will ensure that at all times a sales refusals book is kept and maintained. It is his/her responsibility to regularly check this book at intervals of no less than four weeks and where appropriate give feedback to the staff.

The refusals book shall be made available upon request to Police, Local Authority and/or Trading Standards Staff

Annex 3 – Conditions attached after a hearing by the licensing authority

Not Applicable

<i>Signed by Head of Public Health and Licensing</i>	<i>Date</i>
<p style="text-align: center;">SIGNATURE REDACTED</p> <p style="text-align: right;">28 December 2022</p>	<p style="text-align: center;">Determined/Issued 16 June 2011</p>

Annex 4 – Plan of Approved Licensable Activity Area Attached

Horsham District Council

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.

**, 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

Ashman Express Ltd t/a Choices of Horsham

Post town Horsham

Post code (if known) RH12 1PY

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

Harinder Singh **ANAND**

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

LI/11/0132/PREM

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

Please tick yes

I am 18 years old or over

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: Team Manager West Sussex County Council Trading Standards Service Parkside Chart Way Horsham RH12 1XH
Telephone number (if any)
E-mail address (optional)

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

- Please tick one or more boxes ✓
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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 14th December 2022, during a controlled Trading Standards Test Purchasing exercise, a staff member at Ashman Express Ltd t/a Choices of Horsham 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 Ashman Express Ltd displaying Challenge 25 signage around the premises and claiming to operate such a policy, the seller did not follow the guidance of such policy, contrary to the Licence Condition:'

The premises will operate an age verification policy set at a minimum of 25 years (e.g. "Challenge 25") whereby any person attempting to buy alcohol who appears to be under the specified age e.g. 25 will be asked for photographic ID to prove their age.

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

On the 5th August 2022, the Responsible Authority received an incident report from a member of the public, alleging Ashman Express Ltd had been supplying children with electronic cigarettes. Furthermore, the business was selling electronic cigarettes that contained nicotine in a capacity greater than the permitted amount for sale in this Country.

On the 16th August 2022 Officers from the Responsible Authority carried out an inspection at the business and discovered a large number of disposable electronic cigarettes that contained nicotine in a capacity greater than the permitted amount. In total 520 disposable electronic cigarettes were seized from the business. Under the Tobacco and Related Products Regulations 2016, it is a criminal offence to supply nicotine containing liquid in a disposable electronic cigarette with a tank capacity greater than 2ml. Officers from the Responsible Authority also discovered and seized three Universal Travel Adaptors that posed a known risk of electrocution to consumers. Under the Electrical Equipment (Safety) Regulations 2016, it is a criminal offence to supply equipment that does not meet the essential safety requirements of said regulations. The business was issued a Warning Letter following these offences and in that letter they were advised any breach of the Licensing Act 2003 may lead to a licence review.

On the 14th December 2022, as part of the Underage Sales operation the Responsible Authority were carrying out that day, a 16-year Trading Standards volunteer was sold a bottle of WKD Pink Gin. The male working behind the sales counter scanned the bottle of WKD before he asked the volunteer if they had any Identification, the volunteer said 'No' and the server then told them to '*bring it next time*'.

A few minutes later two Trading Standards Officers returned to the store and informed the seller about the test purchase; they also sought relevant information needed to instigate an investigation. Under caution the seller advised that he remembered selling the alcohol to the volunteer, but that he thought the volunteer looked 25 years old. The seller was asked why he had asked the volunteer to bring ID next time if he thought that they were 25. The seller then said he had doubted her age and should have stopped the sale and refunded the money. The seller advised he had been working for the company for approximately six years and been trained on the sale of Age Restricted Products when he started working at the business. The seller also confirmed there was a 'Challenge 25' Policy in place in the shop.

Further questions were subsequently put by the Responsible Authority to the Company, Ashman Express Ltd. The Director and Licensee, Mr Harinder Singh ANAND responded and advised the business has a Challenge 25 policy in place and staff are trained in the prevention of underage sales. He went on to say that on this occasion the seller misjudged the age of the volunteer. The business provided a copy of a training record showing two members of staff, including the seller, were trained on 1st September 2022 and 22nd December

2022 and received a pocket guide to selling alcohol. The business was asked to provide further information relating to the training of Mr Anand and his staff.

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.'

It's contended the sale of alcohol to an underage person in the circumstances outlined above is a breach of the licensing objective 'the protection of children from harm' and that the licensee has failed in their responsibilities in promoting said licensing objective.

In considering a review of this premises licence the committee are also reminded of a second licensing objective 'prevention of crime and disorder' which has been failed by commission of the criminal offence that took place on 14th December 2022.

In view of the above, the Responsible Authority do not believe the licensing objectives are being continually upheld at these premises 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 advice had been provided to the business prior to the sale of alcohol to a Trading Standards volunteer, the Responsible Authority suggests an appropriate outcome of the review would be a suspension of said alcohol licence.

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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

Capacity 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.

This page is intentionally left blank

STATEMENT OF WITNESS

*(Criminal Procedure Rules 2020, Rule 16.2,
Criminal Justice Act 1967, s. 9)*

STATEMENT OF:

Age of witness: Over 18

Occupation of Witness: Senior Trading Standards Officer

This statement (consisting of 3 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 31st day of January 2023

Signed

I am employed as a Senior Trading Standards Officer by West Sussex County Council.

In recent years I have visited the convenience shop trading as Choices of Horsham at 1 Parkway, Burtons Court, Horsham, West Sussex, RH12 1PY on a number of occasions.

On the 21st May 2016 West Sussex Trading Standards received an anonymous complaint from a member of the public whom stated they had purchased a sausage roll from the shop which was 2 days past its use by date. On the 7th June 2016, I visited Choices of Horsham and spoke to the Manager, I found one item of food one day past its use by date. There were a number of products in the shop that were not priced. I also found a number of products, such as USB chargers and earphones that were not compliant as they did not have the basic information on them such as the importers name and address details. At the time of the visit, I gave advice in relation to food with a use by date, pricing and good practice in relation to underage sales. I produce in evidence the Food Standards Visit Form 25087 as exhibit number **NJ/1**.

At the time of my visit on the 7th June 2016 I was advised by the Manager that Choices of Horsham was owned by Redhill Food & Wine Ltd and [redacted] was in charge. Companies House shows that [redacted] was the Director of Redhill Food & Wine Ltd, however it dissolved on the 28th November 2017.

On the 24th May 2017 I visited Choices of Horsham and spoke to [redacted] I was advised that [redacted] was in charge and the name of the company who owned the shop was Choices of Horsham Ltd. I found two items of food with the use by date of the 2nd May and one item with a use by of the 7th May. These items of food were on sale significantly past their use by date. Again, a lot of products did not have pricing on them. I gave advice in relation to use by dates and pricing. I produce in evidence the Food Standards Visit Form 31865 as exhibit number **NJ/2**. Companies House shows [redacted] was the sole Director of Choices of Horsham Ltd, which later dissolved on the 28th November 2017.

On the 4th July 2017 I revisited Choices of Horsham in order to check compliance and found one item of food one day past its use by date. Pricing had been improved.

On the 1st July 2019, an Environmental Health Officer from Horsham District Council emailed me with her concerns in relation to 'cannabis' related food products being sold in Choices of Horsham that were also not labelled in English. On the 10th July 2019 I visited Choices of Horsham and found no food past its use by date, however there were cannabis related food products. At the time of my visit the legal entity who operated the shop was Kakkar Food & Wine Ltd and Mr [redacted] was a Director. Enquiries show the company is still active but their accounts are overdue. I produce in evidence the Food Standards Visit Form as exhibit number **NJ/3**. The food which did not have English labelling was removed from sale. Referrals were made to other local Trading Standards Authorities in relation to other products seen.

On the 5th August 2022, West Sussex Trading Standards received information that illegal vapes were being sold at Choices of Horsham. On the 16th August 2022 I visited Choices of Horsham and found a large quantity of disposable ecigarettes both on display and behind the counter which were not compliant. In total I seized 390 x Elux Legend 3500 vapes as they exceeded the maximum permitted tank capacity under the Tobacco and Related Products Regulations 2016. I also found a number of American sweets which were not compliant with UK food legislation and did not have the correct labelling. I also seized 3 x Universal Travel Adaptors which were known to be unsafe due to previous testing finding them not compliant with The Electrical Equipment (Safety) Regulations 2016. At the time of my visit the member of staff within the shop was . I gave full advice to . I also spoke to . on the phone at length explaining what I had found and the legislation surrounding these issues. I produce in evidence the Food Standards Visit Form 3848 as exhibit **NJ/4**.

On the 18th August 2022 I wrote an email to . outlining all the issues found on the visit and providing comprehensive advice and guidance. I produce this email in evidence as exhibit **NJ/5**.

On the 6th December 2022 a warning letter was sent to Director of Ashman Express Ltd by . Trading Standards Team Manager. I produce in evidence the warning letter signed by Mr Harinder Singh Anand on the 14th December 2022 as exhibit **NJ/6**.

This page is intentionally left blank

STATEMENT OF WITNESS

*(Criminal Procedure Rules 2020, Rule 16.2,
Criminal Justice Act 1967, s. 9)*

STATEMENT OF:

Age of witness (if over 18, enter "over 18"):

Occupation of Witness: Trading Standards Officer

This statement (consisting of 2 page(s) 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 17th day of January 2023

Signed

I am employed by West Sussex County Council as a Trading Standards Officer. On the 14th December 2022, I took part in an Underage Sales operation with Senior Trading Standards Officer, _____, and trainee Trading Standards Officer _____

i At about 3pm I entered a shop called Choices of Horsham at 1 Burtons Court, Park Way, Horsham, RH12 1PY. Inside the shop I saw the volunteer enter the shop shortly after me. I positioned myself close to the counter so that I could see and hear any sale of alcohol. I saw the volunteer take a bottle to the counter. I saw the seller scan the alcohol and heard the seller tell the volunteer the price. I then saw the seller take money from the volunteer and hand the alcohol back to the volunteer.

I heard the seller ask the volunteer if she had identification. I heard the volunteer say 'no' and then I heard the seller tell the volunteer to bring it next time. I saw the volunteer leave the shop with the alcohol and I left shortly after the volunteer. I saw the volunteer hand the alcohol to _____ and return to the car. Inside the car handed the alcohol inside an evidence bag to me. I sealed the evidence bag with the reference number MC00110122. I saw that the alcohol was WKD Pink Gin. I produce the alcohol as evidence with exhibit number DD1/CH. At about 3.20pm I

returned to the shop with . I saw and heard ' Introduce us and advise the seller of the underage sale. I heard ask the seller a number of questions to determine his identity role in the shop. I heard caution the seller at this time. I heard i ask the seller what age he thought the seller was and heard the seller reply that he thought she was 25. I asked the seller, why, if he thought the volunteer was 25, did he ask her for ID and ask her to bring it next time. The seller said to me that he realised that he should have checked the ID of the purchaser but had already made the transaction. At about 3.40pm and myself left the shop.

STATEMENT OF WITNESS

(Criminal Procedure Rules 2020, Rule 16.2,
Criminal Justice Act 1967, s. 9)

STATEMENT OF: .

Age of witness: OVER 18

Occupation of Witness: TRAINEE TRADING STANDARDS OFFICER

This statement (consisting of 3 page(s) 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 22nd day of December 2022

Signed

I am currently employed as a Trainee Trading Standards Officer within West Sussex County Council Trading Standards Service.

On 14th of December 2022, I participated in an Underage sales test purchase day, with two colleagues, [REDACTED] (Senior Trading Standards Officer) and [REDACTED] (Trading Standards Officer). A volunteer who is a 17-year-old female participated in the Underage sales test purchase day, under the instruction and supervision of WSCC Trading Standards. The purpose of this operation is to make sure that that West Sussex businesses are compliant with the procedures set out for age restricted products to children under the age of 18.

Prior to visiting the businesses, we collected the volunteer, where we briefed her and took photographs of her appearance that day. The volunteer is assigned a unique code "NZA1" to protect her identity.

At approximately 1506 hours, I saw [REDACTED] enter Ashman Express Ltd t/a Choices of Horsham, 1 Burtons Court, Park Way, Horsham, West Sussex, RH12 1PY. I witnessed the volunteer after a few moments, enter Choices of Horsham. I

waited further down from the shop. I saw the volunteer exit Choices of Horsham with a bottle of WKD. I saw [redacted] exit the premise. [redacted] explained to me that he witnessed the sale of the WKD bottle being sold to the volunteer. I took the WKD bottle from the volunteer and put into an evidence bag.

At approximately at 1516 hours, myself and [redacted] entered Ashman Express Ltd t/a Choices of Horsham, 1 Burtons Court, Park Way, Horsham, West Sussex, RH12 1PY. I introduced myself and [redacted] to the shop employee [redacted] (31/10/1988) and I spoke about the failed test purchase by our volunteer. I explained about the offences that have taken place, while showing the WKD in the evidence bag that was sold to the volunteer.

Approximately at 1523 hours I cautioned [redacted] and proceeded to ask him a set of questions that are recorded in my pocket notebook. [redacted] told me that he works full time at Choices of Horsham, 5 days a week. I asked [redacted] if he knows what an age restricted product is, [redacted] gives the example of alcohol. When asked how old the volunteer looked, [redacted] responded 25 years old. I heard [redacted] question [redacted] as to why he said about bringing ID later to the volunteer. [redacted] responded that he doubted the volunteer's age. I heard [redacted] ask about any till prompts and [redacted] explained about doing a refund, but he did not do. I located Under 25 posters in the premise.

[redacted] showed a license he believed to be fake to [redacted]. I saw Mr [redacted] take a picture of the license. I heard [redacted] explain to [redacted] that he will send the picture he has taken to the right authorities to check. Mr [redacted] explained about the Under 25 policy to me and I checked till prompts, which were present. When asked about any training that [redacted] has had, [redacted] replied around 6 years ago, and he has had no recent training. I asked to see a refusal log, but [redacted] said the old refusal log is full and a new one has been ordered and that the boss has the old refusal log. I heard [redacted] speak about the offences and that we would be in contact accordingly.

Approximately at 15:38, myself and [redacted] exited the premise.

At the end of operation. We returned to our offices in Horsham, where we placed the evidence from Underage sales test purchase day in the evidence room.

I now produce as evidence a photocopy of my pocket notebook at the time of the incident as **NA/COH/1**

Witness details

Address: WSCC PARKSIDE, CHART WAY, HORSHAM RH12 1XH

Email address: r

Mobile number:

Other number(s): -

Dates to be avoided. Delete dates of non-availability of witness:

Month of :							Month of :							Month of :						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				
Month of :							Month of :							Month of :						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

Contact details if different from above

Address:

Email address:

Mobile number:

Other number(s):

CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

Record below anything that may affect the credibility of the person making this statement, e.g.; previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated the 22nd day of December 2022

Signed

Team Manager
Trading Standards Service

Parkside
Chart Way
Horsham
West Sussex
RH12 1XH
01243 642124



www.westsussex.gov.uk

6th December 2022

Director
Ashman Express Ltd t/a Choices of
Horsham
1 Parkway, Burtons Court
Horsham
West Sussex
RH12 1PY

Dear

WARNING LETTER

The Tobacco and Related Products Regulations 2016
The General Product Safety Regulations 2005
The Electrical Equipment (Safety) Regulations 2016
Food Information to Consumers Regulations (EU) No 1169/2011

Ref: T164797

I have received information from an Officer within this service,
detailing a breach of the above legislation.

I have been advised that on the 16th August 2022, I visited your shop
and seized 520 x Elux 3500 Puff vapes.

The product requirements are listed in regulation 36 of The Tobacco and Related Products Regulations 2016. Regulation 36 (2) (b) states "Nicotine-containing liquid which is presented for retail sale must be in — (b) a disposable electronic cigarette, a single use cartridge, or a tank, in a volume not exceeding 2 millilitres." The tank of the vapes exceeded the maximum capacity allowed.

A person guilty of an offence under these Regulations is liable, on summary conviction in England and Wales to imprisonment for a term not exceeding three months, or a fine or both, or on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both. If an offence is proved, that has been committed by the body corporate (the limited company) proceedings can be taken against officers of the company, where the offence has been committed with the consent or connivance of officers of the company.

Con/d

also seized 3 International Adaptors we have previously had these products tested and they have been found to be unsafe as they did not comply with The Electrical Equipment (Safety) Regulations 2016 and have a risk of harm to the user. Please ensure the products you supply are compliant with the relevant safety legislation.

also noticed that you were selling American sweets that did not contain the mandatory information required by the Food Information Regulations. It is a requirement under Regulation 1169/2011 that all packaged food must have mandatory information. Please ensure you only sell food that contains all the mandatory information on the labels, it is an offence to sell food without this information. In addition, there is a risk that someone could purchase food with an allergen in it which they are unaware of and therefore there are serious safety issues.

I understand [redacted] has given you comprehensive advice and guidance on the above subject areas. I wanted to take this opportunity to warn you that it is a criminal offence to sell age restricted products to persons below the legal minimum age limit. Under Section 146 of the Licensing Act 2003 it is a criminal offence to sell alcohol to a person who is under the age of 18 years old.

As well as prosecution the Act allows for an application to be made to the licensing authority for an alcohol licence to be reviewed if it can be shown age restricted products are being sold to children. Such a review could lead to your licence being suspended or revoked.

You don't necessarily have to sell alcohol to a child to lose your licence, the sale of other age restricted products could also result in prosecution and can also lead to your alcohol licence being suspended or revoked if you or your business sell to an underage person.

In order for you and your staff to be compliant with the law, you should always ask young people to produce proof of their age. For example, a driving licence photocard or passport. If a person cannot prove they are over 18, the sale should be refused.

After taking everything into account, I have decided to deal with this incident on this occasion by way of this warning letter. Please note that a further inspection may be carried out in the future by an officer from the Service to ensure that you are compliant with all relevant legislation. Please also be aware that this Service carries out test purchase exercises using children to purchase age restricted products.

If you are found not to be in compliance with the Licensing Act 2003 in any future visits, then you may face prosecution and this warning letter may be referred to. Additionally, a licence review will be instigated, and this could lead to you losing your alcohol licence.

Con/d

SCHEDULE OF GOODS

Total Goods Seized	520
Elux 3500 Puff disposable vapes	520

Dated this day of

Signed:.....

Name:.....

I have enclosed two copies of this letter and a Disclaimer for Goods form. Please sign and date one copy of the letter to acknowledge receipt and complete the Disclaimer for Goods form to sign over the seized items to West Sussex County Council for destruction. Please return both documents in the prepaid envelope supplied within the next 10 days.

Yours sincerely,

Team Manager

Cc: Environmental Health, Horsham District Council
Licensing, Horsham District Council

I confirm receipt of this letter

Name:...

Position:.. ..

Signature:.. ..

Date: 14.12.2022

This page is intentionally left blank

From:
Sent: 18 August 2022 13:18
To:
Subject: TS Investigation. Our Ref: T164797
Attachments: 20220816_133251.jpg

Dear

As you are aware on the 16th August 2022 I visited Choices of Horsham at 1 Park Way, Horsham, RH12 1DP. Under my powers I seized 520 Elux Legend 3500 Puff disposable ecigarettes as they were not compliant with the Tobacco and Related Products Regulations 2016, they were above the legal tank size of 2 ml and did not have the correct labelling such as a UK importer name and address.

I would advise you to read the following:

<https://www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products>

In addition Business Companion is a good website for all legislation affecting traders. The guidance specifically in relation to tobacco products and ecigarettes can be found here:
<https://www.businesscompanion.info/en/quick-guides/miscellaneous/tobacco-etc-packaging-labelling-advertising-and-tracking>

Hopefully this will make it much easier for you to ensure the products you sell are compliant.

We also seized 3 International Adaptors (attached photograph) as we have previously had these products tested and they have been found to be unsafe as they did not comply with The Electrical Equipment (Safety) Regulations 2016 and have a risk of harm to the user. Please ensure you read the attached guidance as it explains what your duties are a Distributor:

<https://www.businesscompanion.info/en/quick-guides/product-safety/electrical-equipment>

I would advise you to also read these leaflets in relation to your responsibilities:

<https://www.businesscompanion.info/en/quick-guides/product-safety/general-product-safety-distributors>

<https://www.businesscompanion.info/en/quick-guides/product-safety/general-product-safety-producers>

I would advise you to double check the products you have on display and perhaps get in contact with your supplier if they are providing you with non compliant products.

I also noticed that you were selling American sweets that did not contain the mandatory information required by the Food information Regulations. Please read the following guidance on this subject:

<https://www.businesscompanion.info/en/quick-guides/food-and-drink/labelling-of-prepacked-foods-general>

<https://www.businesscompanion.info/en/quick-guides/food-and-drink/food-labelled-in-a-foreign-language>

Please ensure that if the food you buy is imported from another country that it is labelled correctly. The American sweets did not have the correct nutritional table format and did not

This page is intentionally left blank



Trading Standards Service
 Parks Side
 Chart Way
 Horsham
 RH12 1XH
 Tel: (01243) 642124
 trading.standards@westsussex.gov.uk

Officer's Contact Details:

Tel: 0330 222 7659

Email: [redacted]@westsussex.gov.uk

No. 3848

Proprietor: Ashman Express Ltd Registered Office: _____
 Trading Name: Choices of Horsham Mobile: _____
 Address: 1 Park Way, Horsham Email: [redacted]
 Tel: _____ Postcode: _____ Website: _____
 Type of Business: Convenience Shop

- Animal Health Act 1981
- Consumer Protection Act 1987
- Consumer Rights Act 2015
- Trade Marks Act 1994
- Weights & Measures Act 1985
- Consumer Protection from Unfair Trading Regulations 2008
- Dangerous Substances & Explosive Atmospheres Regulations 2002
- General Product Safety Regulations 2005
- Health & Safety at Work etc. Act 1974
- Petroleum (Consolidation) Regulations 2014
- Explosives Regulations 2014
- Animal Feed (Hygiene, Sampling etc. & Enforcement) (England) Regulations 2015
- Other (specify)

Tobacco + Related Products Regs

This report covers a summary of the inspection and does not indicate full compliance with any legislation. In case of dispute, contact the Service address above.

FOOD STANDARDS INSPECTION REPORT

Food Safety Act 1990 | Food Safety & Hygiene (England) Regulations 2013 | Food Information Regulations 2014

- Records
- Specifications
- Production Process
- Composition, Labelling, Presentation
- Product Design & Recipe
- Traceability
- Stock Rotation
- Completed Product
- Quality / Management Systems
- Recall / Relabelling Systems

Corrective actions & timescales (legal requirements)

Trader selling Elux Legend 3500 Apps, this is not compliant with Tobacco + Related Products Regs - tank capacity too big, no name + address of UK importer.

- Seized:
- NJ/CH/160822/1 - 130 x Elux 3500 vapes
 - NJ/CH/160822/2 - 130 x Elux 3500 vapes
 - NJ/CH/160822/3 - 130 x Elux 3500 vapes
 - 22895 - 30 50 x Elux 3500 vapes
 - 22896 - 50 x Elux 3500 vapes
 - 22897 - 30 x Elux 3500 vapes

Failure to comply with legal requirements may constitute an offence and may lead to enforcement action.

Comments and recommendations

Please send invoices for these vapes to [redacted]

Discussed underage sales, have till prompts + think 25 policy. Advised to get a refusals log.

Checked use by dates all fine. Please ensure all food is compliant with UK legislation including American sweets. Please get invoice + stickers for these
 Harinder Singh

Selling universal travel adapters which are known to be unsafe as previously not tested. Seized:
 3 x Adaptor International - S22898. Please send me invoice for travel adapters + American sweets.

Actions to be taken by Officer Guidance to follow

Issued by: _____ Person seen (print name in capitals): _____
 Signed: _____ (Authorised Officer) Signed: _____
 Date: 16 / 8 / 20 22 Time: _____ Position: _____



Trading Standards Service
 Parkside
 Chart Way
 Horsham
 RH12 1XH
 Tel (01243) 642124
 tradingstandards@westsussex.gov.uk

Officer's Contact Details

No: 2284

Tel 0330 222 .

Email... @westsussex.gov.uk

Proprietor Kewkhar Food + Wine Ltd

Registered Office _____

Trading Name Choices of Horsham

Mobile _____

Address Baron Court, 1 Park Way, Horsham

Email. _____

Tel _____

Website _____

Postcode RH12 1PY

Type of Business Convenience Shop

- Animal Health Act 1981
- Consumer Protection Act 1987
- Consumer Rights Act 2015
- Trade Marks Act 1994
- Weights & Measures Act 1985
- Consumer Protection from Unfair Trading Regulations 2008
- Dangerous Substances & Explosive Atmospheres Regulations 2002
- General Product Safety Regulations 2005
- Health & Safety at Work etc Act 1974
- Petroleum (Consolidation) Regulations 2014
- Explosives Regulations 2014
- Animal Feed (Hygiene, Sampling etc & Enforcement) (England) Regulations 2015
- Other (specify)

This report covers a summary of the inspection and does not indicate full compliance with any legislation. In case of dispute, contact the Service address above

FOOD STANDARDS INSPECTION REPORT

Food Safety Act 1990 | Food Safety & Hygiene (England) Regulations 2013 | Food Information Regulations 2014

- Records
- Specifications
- Production Process
- Composition, Labelling, Presentation
- Product Design & Recipe
- Traceability
- Stock Rotation
- Completed Product
- Quality / Management Systems
- Recall / Relabelling Systems

Key points discussed

- No food past use by date : Always check nothing past use by date.
- few cannabis related food for sale

Actions to be taken by business & timescale (legal requirements)

Purchased :
 1 x 100% Hemp Hard Candy (18755) - sweets - Not fully labelled
 3 x Cannabis Bears (18756) - sweets - Not in English
 3 x Green Monkey CBD (18757) - drink
 3 x Cannabis Energy Drink (18758) - drink - Not in English
 1 part of each sample left at premise Please keep until I tell you to dispose of it. Will send to public Analyst
 Please ensure all food has English labelling. Ask supplier for label

Failure to comply with legal requirements may constitute an offence and may lead to enforcement action

Comments / Recommendations (best practice guidance)

Guidance to follow

Actions to be taken by Officer

Issued by:

Person seen (print name in capitals):

Signed: _____ (Authorised Officer)

Sig... _____

Date: 10 / 7 / 20 19 Time: _____

Do you give consent to receive marketing emails? Yes No

Choices of Horsham Ltd

TO: (Proprietor)
 (Trading Name) *Choices of Horsham*
 (Address) *1 Park Way, Horsham*

 Tel: Post Code *RH12 1DP*
 Type of Business: *Convenience Shop*

Registered Office

 Tel: Post Code
 Email / Website:

TICK LEGISLATION APPLICABLE:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Food Safety Act 1990 | <input type="checkbox"/> Weights and Measures Act 1985. | <input type="checkbox"/> Petroleum (Regulations) Act 1928 + 1936 |
| <input checked="" type="checkbox"/> Consumer Protection Regulations 2008 | <input type="checkbox"/> Prices Act 1974 | <input type="checkbox"/> Trade Marks Act 1994 |
| <input type="checkbox"/> Manufacture and Storage of Explosives Regulations 2005 | | <input checked="" type="checkbox"/> Other (specify). |

CPI 2008

FOOD SAFETY ACT 1990

FOOD STANDARDS INSPECTION REPORT

This report only covers areas inspected at the time of inspection. It should not be taken as indicating compliance with any provisions of the Food Safety Act 1990 or regulations made under it.

ALL PREMISES (Incl. Manufacturing)

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Quality Systems | <input checked="" type="checkbox"/> Records | <input type="checkbox"/> Materials & Articles Intended to come into contact with food |
| <input checked="" type="checkbox"/> Product Labelling | <input type="checkbox"/> Stock Rotation | |

MANUFACTURING PREMISES ONLY

- | | | |
|--|---|---|
| <input type="checkbox"/> Product Design & Recipe | <input type="checkbox"/> Production Process | <input type="checkbox"/> Completed Product |
| <input type="checkbox"/> Raw Materials | <input type="checkbox"/> Specifications | <input type="checkbox"/> Documentation |
| <input type="checkbox"/> Storage & Distribution | <input type="checkbox"/> Segregation of Goods | <input type="checkbox"/> Recall and/or re-labelling systems |

Legal Requirement

** Checked use by dates found 3 items in the chiller past its use by date* Guidance to follow
** Attach a snack £1.85 chicken n cheese use by 2.5.17 x 2*
** Peppermi £1.00 use by 7.5.17*
** It is an offence to have anything past its use by date*
** Quite a lot of products did not have a price on them. Ensure all products are priced either on the actual product or on the shelf edge.*

Failure to comply with legal requirements may constitute an offence and may lead to enforcement action.

Advice / Best Practice / Comments

Ensure no products are past their use by dates
Ensure all products are priced

This is Best Practice advice and not a legal requirement.

Issued by Signed

Signed (Authorised Officer) Full Name

Date *24.5.17* Time Position Date *24.5.17*



Redhill Food + Wine Ltd

Trading Standards Service
West Sussex County Council
County Hall North
Chartway
Horsham
West Sussex, RH12 1XA

No. 25087

Tel: (01243) 642124

TO: (Proprietor)
(Trading Name) Choices of Horsham
(Address) 1 Park Way, Burton Court, Horsham
Tel: Post Code RH12 1PY
Type of Business: Convenience Shop

Registered Office
Tel: Post Code
Email / Website:

TICK LEGISLATION APPLICABLE:

- Food Safety Act 1990
- Consumer Protection Regulations 2008
- Manufacture and Storage of Explosives Regulations 2005
- Weights and Measures Act 1985.
- Prices Act 1974
- Petroleum (Regulations) Act 1928 + 1936
- Trade Marks Act 1994
- Other (specify):

FOOD SAFETY ACT 1990

FOOD STANDARDS INSPECTION REPORT

This report only covers areas inspected at the time of inspection. It should not be taken as indicating compliance with any provisions of the Food Safety Act 1990 or regulations made under it.

ALL PREMISES (Incl. Manufacturing)

- Quality Systems
- Product Labelling
- Records
- Stock Rotation
- Materials & Articles Intended to come into contact with food

MANUFACTURING PREMISES ONLY

- Product Design & Recipe
- Raw Materials
- Storage & Distribution
- Production Process
- Specifications
- Segregation of Goods
- Completed Product
- Documentation
- Recall and/or re-labelling systems

Legal Requirement

- * visit due to new premise, plus have had one complaint due to an item being past its use by date. Guidance to follow
- * Checked stock, not many prices on display. All goods need to have a price on display either at the shelf edge or on the product itself
- * checked use by date products found one item past its use by date. A chicken wrap with a use by of 6th June 2016. It is a criminal offence to sell anything past its use by please ensure checks are made every day.
- * have think 25 policy. Have refusals book. Request driving licence or passport
- * Has a display with usb chargers, cables, earphones none have an address on them. The Director of this company is also the Director of Hk Mobile Accessories Ltd

Failure to comply with legal requirements may constitute an offence and may lead to enforcement action.

Advice / Best Practice / Comments

in Middlesex who imports them. Will take off side until I contact him.
Please email me invoices, safety test certificates.
Took 5 items, offered to pay in order for colleagues to examine them

This is Best Practice advice and not a legal requirement.

Issued by Signed

Signed (Authorised Officer) Full Name

Date 6, 6, 16 Time Position Date



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

23rd February 2023

Mr Chris Boyle
Public Health & Licensing Department
Horsham District Council
Parkside, Chart Way
Horsham,
RH12 1RL

Dear Mr Boyle,

RE: APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR ASHMAN EXPRESS LIMITED TRADING AS CHOICES OF HORSHAM, 1 PARK WAY, HORSHAM, WEST SUSSEX, RH12 1DP. UNDER THE LICENSING ACT 2003. YOUR REF: LI/11/0132/PREM.

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 a suspension of the premises licence.

Sussex Police Headquarters
Malling House Malling, Lewes, East Sussex, BN7 2DZ

Telephone: 101 | 01273470101

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.

As both responsible authorities here are not asking for revocation of the licence in the first instance but a suspension of the licence, then we would recommend to the Committee that a suspension period of three months is appropriate.

Sussex police are particularly concerned in this case that when the test purchase took place on 14th December 2022, the member of staff who sold the alcohol to the child clearly suspected that the purchaser was underage because the assistant asked the purchaser for age ID at the time of the sale. The fact that the child said “no” when asked if they had age ID, to which the seller stated “bring it next time” is particularly worrying and a particularly serious breach of licensing law as well as basic common sense good practice when selling age restricted products.

We also note with concern that the seller referred to above stated that he had worked for the premises for six years, and he had been trained on the sale of age restricted products when he started working at the premises. We can reasonably deduce from this statement that after he had received his initial staff training on age restricted products six years ago, he had not subsequently received any refresher or update training in the subsequent six years up to December 2022. It is now accepted good practice and accepted good practice that premises should provide regular scheduled refresher and re-enforcement training, and that the refresher training should be formerly documented and recorded for due diligence and evidential purposes.

In addition to a suspension of the premises licence, Sussex police invite the Committee to update the premises licence conditions up to current modern standards by replacing all of the existing conditions in annexe 2 of the licence with the following:

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.

*If the premises does not want to accept the alcohol delivery conditions, then we would be content with an alternative condition that there will be no alcohol delivery services provided by the premises either directly or via third party delivery providers.

Yours sincerely,

West Sussex Licensing Inspector
Sussex Police

Chris.Boyle

From:
Sent: 22 February 2023 11:35
To: Chris.Boyle
Cc:
Subject: Re: Premises Licence Review

Dear Chris

Horsham Denne Neighbourhood Council supports a review of the premises licence LI/11/0132/PREM, as we consider the breaches are serious and potentially harmful to young people.

Regards

Sara Doy

Clerk to Horsham Denne Neighbourhood Council

On Mon, 30 Jan 2023 at 12:42, Chris.Boyle <Chris.Boyle@horsham.gov.uk> wrote:

Dear All

Please see the attached Notice of application for a premises licence review for the premises known and trading as Choice of Horsham, 1 Park Way, Horsham. West Sussex, RH12 1DP Premises Licence Number LI/11/0132/PREM and I will be forwarding further details shortly and the notice advertising the review request will be displayed at the premises from tomorrow

Regards

Chris

Chris Boyle
Licensing Officer

Telephone: 01403 215578 | 07557 319692

Email: Chris.Boyle@horsham.gov.uk



**Horsham
District
Council**

Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL

Telephone: 01403 215100 (calls may be recorded) www.horsham.gov.uk Chief Executive: Jane Eaton

Disclaimer

IMPORTANT NOTICE This e-mail might contain privileged and/or confidential information. If you have received this e-mail in error, please notify the sender and delete the e-mail immediately; you may not use or pass it to anyone else. Whilst every care has been taken to check this outgoing e-mail for viruses, it is your responsibility to carry out checks upon receipt. Horsham District Council does not accept liability for any damage caused. E-mail transmission cannot guarantee to be secure or error

Chris.Boyle

Subject:

FW: Premises Licence Review - Choice of Horsham, 1 Park Way, Horsham. West
Sussex, RH12 1DP

From: ISD Alcohol Licensing [REDACTED]

Sent: 07 February 2023 10:48

[REDACTED]

Good Morning,

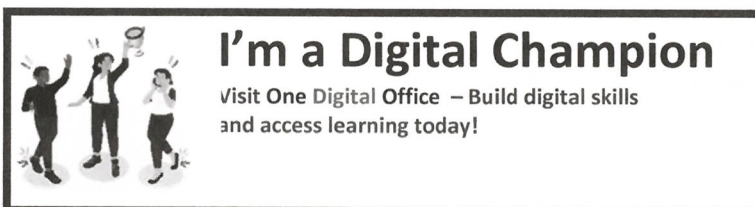
Having searched our databases, we can find no record of any Immigration offences in relation to the above premises, therefore Immigration Enforcement will not be making any representations at this time.

Regards

[REDACTED]

The Alcohol and LNR Licensing Team
Interventions Sanctions and Compliance
Immigration Enforcement
Home Office
15th Floor Long Corridor
Lunar House
40, Wellesley Road
Croydon CR9 2BY

Skype – 03000 728896



For new applications - Alcohol@homeoffice.gov.uk

For enquiries relating to license applications or ongoing reviews -
IE.Alcoholenquiries@homeoffice.gov.uk

For reviews to be considered or initiated along with hearing dates -
IE.Alcoholreviews@homeoffice.gov.uk

This page is intentionally left blank

Chris.Boyle

From:
Sent: 22 February 2023 11:35
To: Chris.Boyle
Cc:
Subject: Re: Premises Licence Review

Dear Chris

Horsham Denne Neighbourhood Council supports a review of the premises licence LI/11/0132/PREM, as we consider the breaches are serious and potentially harmful to young people.

Regards

Sara Doy

Clerk to Horsham Denne Neighbourhood Council

On Mon, 30 Jan 2023 at 12:42, Chris.Boyle <Chris.Boyle@horsham.gov.uk> wrote:

Dear All

Please see the attached Notice of application for a premises licence review for the premises known and trading as Choice of Horsham, 1 Park Way, Horsham. West Sussex, RH12 1DP Premises Licence Number LI/11/0132/PREM and I will be forwarding further details shortly and the notice advertising the review request will be displayed at the premises from tomorrow

Regards

Chris

Chris Boyle
Licensing Officer

Telephone: 01403 215578 | 07557 319692

Email: Chris.Boyle@horsham.gov.uk



**Horsham
District
Council**

Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL

Telephone: 01403 215100 (calls may be recorded) www.horsham.gov.uk Chief Executive: Jane Eaton

Disclaimer

IMPORTANT NOTICE This e-mail might contain privileged and/or confidential information. If you have received this e-mail in error, please notify the sender and delete the e-mail immediately; you may not use or pass it to anyone else. Whilst every care has been taken to check this outgoing e-mail for viruses, it is your responsibility to carry out checks upon receipt. Horsham District Council does not accept liability for any damage caused. E-mail transmission cannot guarantee to be secure or error

This page is intentionally left blank

Chris.Boyle

Subject:

FW: Premises Licence Review - Choice of Horsham, 1 Park Way, Horsham. West
Sussex, RH12 1DP

From: ISD Alcohol Licensing [REDACTED]

Sent: 07 February 2023 10:48

[REDACTED]

Good Morning,

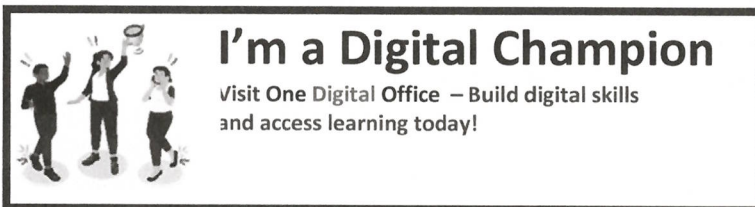
Having searched our databases, we can find no record of any Immigration offences in relation to the above premises, therefore Immigration Enforcement will not be making any representations at this time.

Regards

[REDACTED]

The Alcohol and LNR Licensing Team
Interventions Sanctions and Compliance
Immigration Enforcement
Home Office
15th Floor Long Corridor
Lunar House
40, Wellesley Road
Croydon CR9 2BY

Skype – 03000 728896



For new applications - Alcohol@homeoffice.gov.uk

For enquiries relating to license applications or ongoing reviews -
IE.Alcoholenquiries@homeoffice.gov.uk

For reviews to be considered or initiated along with hearing dates -
IE.Alcoholreviews@homeoffice.gov.uk

This page is intentionally left blank