

Report to Licensing Sub Committee

Wednesday 23 November 2022

By the Head of Environmental Health & Licensing

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

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

Executive Summary

On the 05 October 2022 West Sussex County Council Trading Standards submitted an application to review the premises licence held by Pricewatch Limited for their premises known as Power Storrington Service Station, Old Mill Drive, Storrington, West Sussex, RH20 4NH following a failed test purchase conducted on the 31 May 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. Consequences of proposed actions – Appendix 1
2. Premises Licence – Appendix 2
3. Review application – Appendix 3
4. Trading Standards Letter to the premises licence holder – Appendix 4
5. Statement from Senior Trading Standards Officer – Appendix 5
6. Statement from Senior Trading Standards Officer – Appendix 6
7. Statement from Trading Standards Officer – Appendix 7
8. Statement from Trainee Trading Standards Officer – Appendix 8
9. Letter from Public Health Lead for Alcohol and Drugs, West Sussex County Council – Appendix 9
10. Pace Interview – Appendix 10
11. Refusal Register – Appendix 11
12. Monthly staff training statement – Appendix 12
13. Seller's training record and Dismissal Letter – Appendix 13
14. Operations & Training Module – Appendix 14
15. Training & Authorisations – Appendix 15

Wards affected: Storrington and Washington.

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 31 May 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 Power Storrington Service Station, Old Mill Drive, Storrington, West Sussex, RH20 4NH 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 no challenge was made by the seller to enquire the age of the child.

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 Public Health – on the 18 October 2022 Holly Yandall, Public Health Lead for Alcohol and Drugs at West Sussex County Council submitted a letter supporting the review requested by Trading Standards.

5.5 **Sussex Police** – No Representation

5.6 **West Sussex Fire & Rescue** – No Representation

5.7 **Local Licensing Authority** – Environmental Health and Licensing – No Representation

5.7 **Home Office** – No Representation

5.8 **HDC Planning** – No Representation

5.9 **HDC Pollution Team** – No 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.