

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.

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

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

Pricewatch Ltd t/a Power, Old Mill Drive,

Post town Storrington, Pulborough

Post code (if known) RH20 4NH

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

William Brewster SMITH

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

Unknown

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: Mr Peter Aston 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)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<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 31st May 2022, during a controlled Trading Standards Test Purchasing exercise, a staff member at Pricewatch Ltd t/a Power sold alcohol to a Trading Standards volunteer who was a child 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 Pricewatch Ltd displaying Challenge 25 signage around the premises and claiming to operate such policy, the seller did not follow the guidance of such policy, contrary to the Licence 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 17th February 2022, the Responsible Authority received an incident report from a local Police Neighbourhood Youth Officer, alleging the business had been supplying underage children with energy drinks, vapes and other materials. This information had come to the Police Officer's attention from a local school, who had had this relayed to them by a parent, where they had been advised by their child. On the 25th February 2022, the Responsible Authority received an email from the Neighbourhood Warden for Storrington also passing on the information after the same local Police Neighbourhood Youth Officer had also contacted them.

On the 8th April 2022, following the receipt of this information, a Trading Standards Officer from the Responsible Authority carried out an advice visit to the business and spoke with the Store Manager. Several points were discussed during the advice visit with the Store Manager. The officer noted that the statutory tobacco notice was present in the shop, the store had a till prompt which came up for nicotine inhaling products, alcohol, lighters and cigarettes. The officer checked the shop's refusal log and the last entry was made on the 3rd April 2022. The Officer advised the Store Manager that we would be attempting a test purchase with one of our underage volunteers in the future and made her aware that a failure of our upcoming test purchase attempt could result in their alcohol licence being revoked. This was written on the visit form and also reiterated in the follow up letter that the officer emailed over later the same day to the Director of the Company,

On the 31st May 2022, as part of the Underage Sales Operation the Responsible Authority were carrying out that day, two Trading Standards Officers from the Responsible Authority entered Pricewatch Ltd t/a Power – Storrington Service Station, Old Mill Drive, Storrington, West Sussex, RH20 4NH. A 16-year-old volunteer working under the instruction and supervision of the Responsible Authority entered the shop. The Officers witnessed the volunteer take four cans of lager to the till. There was a lady working behind the till area and they witnessed her sell the four cans of Carlsberg lager to the volunteer without asking the volunteer any questions whatsoever.

After securing the cans of lager as evidence, Officers went back into the shop to inform the seller about the test purchase and take the relevant information to instigate an investigation. Under caution, the seller advised that she remembered selling the alcohol to the volunteer but that she thought that the volunteer looked 18 or 19 years old. The seller advised that she had been working for the company for approximately four months and that she had been trained on the sale of Age Restricted Products. The seller also confirmed that there was a 'Think 25' Policy in place in the store and that she had been trained on this.

Further questions were subsequently put by the Responsible Authority to a representative for the Company, Pricewatch Ltd. The representative for the Company has advised that from their investigations, it would appear that a member of staff went against their training and had overridden company instructions and systems to serve a minor with alcohol contrary to her authorisation to sell alcohol and the Licensing Act 2003. The company have further advised that the seller of the alcohol had received the initial training on age related sales that all new staff receive on 7th March 2022 and that she was issued with her own Personal Guide to selling Alcohol. The seller then was asked to sign their Training Statement each month to confirm that she had been trained, understood her responsibilities, and would not serve anybody under 25 unless challenged to prove that they were over 18.

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 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 objectives.

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 31st May 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 underage prevention advice had been provided just before the sale of alcohol was made to a Trading Standards volunteer, the Responsible Authority suggests an appropriate outcome of the review would be a suspension of said alcohol licence to act as a deterrent for further breaches.

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 29/09/22
.....

Capacity Team Manager
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