

**Licensing Sub-Committee**  
**23 NOVEMBER 2022**

Present: Councillors: Karen Burgess, Richard Landeryou and Mike Morgan

LI/1 **ELECTION OF CHAIRMAN FOR THE MEETING**

RESOLVED

That Councillor Karen Burgess be elected Chairman for the meeting

LI/2 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

LI/3 **ANNOUNCEMENTS**

There were no announcements.

LI/4 **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003**

The application for the review of a Premises Licence for the sale by retail of alcohol had been submitted by West Sussex County Council (WSCC) Trading Standards on 5 October 2022. The application related to the licence held by Pricewatch Ltd in respect of Power Storrington Service Station, Old Mill Drive, Storrington.

The Licensing Officer presented the report, which set out details of the events that led up to the application. These included the alleged sale of age-restricted products to children under the appropriate age, and a test purchase operation carried out by Trading Standards Officers on 31 May 2022 when alcohol was sold to a child under the age of 18.

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

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

Responsible Authorities: WSCC Public Health Lead for Alcohol and Drugs supported the review request by Trading Standards. There had been no further consultation responses from other responsible authorities or interested parties.

The Sub Committee heard from the applicant who, by way of background, advised of a national crackdown on underage selling launched in October 2021 and WSCC Trading Standard's Zero Tolerance policy launched in January 2022. He outlined the events that had occurred and evidence of the sale of age-restricted products to children. He considered that the Premises Licence holder had failed to respond to a warning from WSCC Trading Standards that test purchases would be undertaken following a complaint.

The Sub Committee then heard from a representative of the Premises Licence holder. He gave a detailed account of the training regime used by the company, including monthly refresher training, and the checks in place, in particular the refusals book and till prompt. He stated that the member of staff who had made the under-age sale had completed all necessary training and previously demonstrated an understanding of her responsibilities. The Premises Licence holder produced the Licensing Training Records for Power Storrington, which members of the Sub Committee inspected.

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

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

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

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

#### RESOLVED

- (i) The offer by the Premises Licence holder of the removal of the current DPS (designated premises supervisor) and replacement of a new DPS is welcomed by the Sub Committee and it is requested that the Company implements this as a matter of urgency.
- (ii) The Sub Committee are satisfied on the balance of probability that the matters set out in the report happened and, together with what has been heard today, a serious offence took place at the premises.
- (iii) Therefore, the decision of the Sub Committee is to suspend the premises licence for a period of 12 weeks.

#### REASON

The Sub Committee considers this a serious offence, and the suspension period will allow the company a period to undertake a review of their processes when selling age restricted products and to undertake further

training of their staff in the sale of age restricted products such as alcohol, vapes, cigarettes and energy drinks in particular and to put in place at the premises a new DPS.

The 12-week suspension will start 21 days from the 24<sup>th</sup> November 2022.

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

#### RIGHT TO APPEAL

There is a right to appeal this Sub Committee's decision through an appeal to the Magistrate's Court. The rights are set out in the Licensing Act, and parties are reminded that an appeal must be commenced within 21 days of notification of the decision to a relevant party and for clarity, that is 21 days from the 24 November 2022.

*The meeting closed at 11.35 am having commenced at 10.00 am. The meeting adjourned at 10.45am for approximately 40 minutes.*

CHAIRMAN