

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

<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>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.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>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’.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p>	<p>There are no specific equality issues.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>There are no specific sustainability issues.</p>