

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

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

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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.