

Crawley Borough Council

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Report to Licensing Sub Committee

Wednesday 29th April 2015

Application to Review the Premises Licence applicable

To

'West Sussex Wines'

198 Ifield Drive

Ifield

Crawley

West Sussex

Tony Baldock
Environmental Health Manager

1. Details of Application

Reference Documents and Guidance

- 1.1 On the 12th March 2015, Sussex Police as a 'responsible authority' submitted an application to the Council as the Licensing Authority for the Borough of Crawley for a REVIEW of above mentioned premises licence. **Appendix A**
Copy of the Review Application
- 1.2 Sussex Police has requested a review on the grounds that the licence holder is not promoting the statutory licensing objective(s) of:- (I) Prevention of Crime and Disorder
(II) The Protection of Children from Harm s.51
Licensing Act 2003 (LA03)
- 1.3 It is contended the above mentioned licensing objectives are undermined due to the fact that West Sussex Wines failed two 'test purchase' operations conducted by Sussex Police on two separate occasions;

Thursday 13th November 2014
Wednesday 11th February 2015

- 1.4 On the 14th April 2015 Sussex Police submitted an evidential bundle with supporting documents. **Appendix B**
Copy of the evidential bundle
- 1.5 The premises licence at the time of the failed 'test purchases' was in the name of;-
Mr Atul Raman Dave
- 1.6 On Monday 13th April 2015 an application was submitted to this Licensing Authority for the transfer of the premises licence with immediate effect and also for the variation of the 'designated premises supervisor'
- 1.7 On the 16th April 2015, Sussex Police indicated no objection to the application and consequently the premises licence was transferred with immediate effect in accordance with the provisions of the Licensing Act 2003 to the following;- **Appendix C**
Copy of the Police transfer – DPS variation notification
"Mr Kamal Patel & Mr Darshan Patel"
- 1.8 The 'designated premises supervisor' (DPS) was varied to include
Mr Kamal Patel
- 1.9 The premise licence is for the licensable activities and times so mentioned including the sale by retail of alcohol for consumption off the premises. **Appendix D**
Copy of the revised premises licence
- 2. Consultation**
- 2.1 The application was advertised in accordance with legislation and as a result of the consultation process, the following responses were submitted to the Council:
- 2.2 **Responsible Authority**; - Representation received from Dr Peter Hayward - Public Health & Wellbeing Directorate, West Sussex County Council. **Appendix E**
Copy of representation
- 2.3 Dr. Hayward states the sale of alcohol to children is of extreme concern and he fully supports the representations made by Sussex Police.
- 2.4 **Environmental Pollution**;- Responded and stated "no representations to make from a Pollution perspective"
- 2.5 **Any other person**;- No representation received

3 Error ! Book mark not defined.

Background

- 3.1 Crawley Borough Council (“the Council”) is the relevant licensing authority in relation to any premises within the Borough of Crawley which is to be used for one or more licensable/qualifying activities in accordance with the Licensing Act 2003 “the Act”.
- 3.2 Section 51 of the Act states where a premises licence has effect, a responsible authority or any other person may apply to the relevant licensing authority for a review of the premises licence provided that the grounds for the review are relevant to one or more of the ‘licensing objectives’ and are not frivolous, vexatious or repetitious. Section 51, LA03
- 3.3 Government guidance states that the proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence. S182 Guidance Para 11.1 (Edition; March 2015)
- 3.5 Before determining the application for the review the Council must hold a hearing to consider it and any relevant representations. Section 52(2), LA03

4 Statutory considerations and Guidance issued by Government

- 4.1 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives. S182 Guidance Para 11.2
- 4.2 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. S182 Guidance Para 11.10
- 4.3 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives. S182 Guidance Para 11.16
- 4.4 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing S182 Guidance Para 11.17

objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted.

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| 4.5 | However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. | S182 Guidance
Para 11.18 |
| 4.6 | Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
(a) modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

(b) to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music (where it is not within the incidental live music exemption);

(c) to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

(d) to suspend the licence for a period not exceeding three months;

(e) to revoke the licence. | Section 52 of the
Licensing Act

S182 Guidance
Para 11.19 |
| 4.7 | In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the cause(s) of concern that instigated the review. | S182 Guidance
Para 11.20 |
| 4.8 | Licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual. | S.182 Guidance
Para 11.21 |
| 4.9 | Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor maybe an inadequate response to the problems presented. | S.182 Guidance
Para 11.22 |
| 4.10 | Licensing authorities should also note that modifications of | S.182 Guidance |

conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Para 11.23

- 4.11 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.
- 4.12 The following parties may appeal the decision of a licensing authority on any application for review of a premises licence:
- (a) the applicant for the review,
 - (b) the holder of the premises licence.
 - (c) any other person who made a relevant representation in relation to the application.
- 4.13 The court, on hearing any appeal, may review the merits of the decision on the facts and consider points of law or address both.
- 4.14 On determining an appeal, the court may:
- (a) dismiss the appeal;
 - (b) substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
 - (c) remit the case to the licensing authority to dispose of it in accordance with the direction of the court and make such order as to costs as it thinks fit.

S.182 Guidance
Para 11.30

Schedule 5,
Para 8 LA03

S182 Guidance
Para 12.6

S182 Guidance
Para 12.7

- 4.15 In hearing an appeal against any decision made by a licensing authority, the magistrates' court will have regard to the licensing authority's statement of licensing policy and the Guidance. However, the court would be entitled to depart from either the statement of licensing policy or the Guidance if it considered it was justified to do so because of the individual circumstances of any case. In other words, while the court will normally consider the matter as if it were "standing in the shoes" of the licensing authority, it would be entitled to find that the licensing authority should have departed from its own policy or the Guidance because the particular circumstances would have justified such a decision. S182 Guidance Para 12.8
- 4.16 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and the HO Guidance. Reasons should be widely known to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act. S182 Guidance Para 12.10

5 Policy Considerations

- 5.1 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the licensing objectives are being met. If the licensing authority determines and publishes its policy in this way, a new five-year period commences on the date it is published. S182 Guidance Para 13.2
- 5.2 The aim of the policy is to promote the licensing objectives set out in the Act whilst securing the safety and amenity of residential communities and facilitating a sustainable entertainment and cultural industry. CBC Alcohol Licensing Policy 1.2
- 5.3 The Council recognises both the needs of residents for a safe and healthy environment in which to live and work and the importance of safe and well run premises providing entertainment to the local economy and vibrancy of the borough. CBC Alcohol Licensing Policy 1.7
- 5.4 The Council recognises that licensing is about control of licensed premises, qualifying clubs and temporary events, within the terms of the Act. The terms and conditions attached to various permissions will be focused on matters which are within the reasonable control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. CBC Alcohol Licensing Policy 2.4

5.5	The Policy states that the Council will primarily focus on the direct impact the activities taking place at licensed premises may have on members of the public living, working or engaged in normal activity in the area concerned. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the reasonable control of the individual, club or business holding a licence, certificate or relevant permission.	CBC Alcohol Licensing Policy 2.5
5.6	The policy states the key controls in respect of preventing crime and disorder arise from good operational planning and good management of activities at the premises.	CBC Alcohol Licensing Policy 2.10
5.7	The essential purpose of the licence is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. The Council will not, therefore, seek to use, conditions attached to licenses to manage the behaviour of customers once they are beyond the direct management of the licence holder and his staff or agents.	CBC Alcohol Licensing Policy 2.11
5.8	No conditions relating to the management competency of designated premises supervisors will be attached to premises licences, unless it could be demonstrated that in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and/or disorder and public safety.	CBC Alcohol Licensing Policy 2.12
5.9	The Council Policy states that conditions will be used if they can control issues that directly impact on the behaviour of those under the licensee's direction, when on the premises or in the immediate vicinity of the premises as they seek entry or leave.	CBC Alcohol Licensing Policy 2.14
5.10	The Council's policy states that it will look to the Police as the main source of advice on matters relating to the reduction of crime and disorder objective and this advice will be given considerable weight.	CBC Alcohol Licensing Policy 2.14
5.11	The Council will ensure that representations made by the statutory child protection bodies and the police in respect of individual applications should be given considerable weight when they address appropriate issues regarding the admission of children.	CBC Alcohol Licensing Policy 2.49
5.12	Once a premises licence is issued, it remains in place for the life of the business: there is no "annual renewal" of the licence, but applications are required to pay an annual fee to cover the Council's costs concerning the exercise of its statutory obligations under the Act as set out in the statute. However, should problems arise, it is possible for representations to be made to the Council, to review the licence.	CBC Alcohol Licensing Policy 7.1
5.13	The Policy states that the Council intends to use the review procedures effectively to deter crime. Where reviews arise and the Council determines that the crime prevention objective is being undermined through the premises being used to further crimes, we will seriously consider that revocation of the licence/certificate, even in the first instance.	CBC Alcohol Licensing Policy 7.6

- 5.14 The only conditions which should be imposed on a premises licence or club premises certificate are those which are appropriate and proportionate for the promotion of the licensing objectives. Accordingly, if other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder or club. CBC Alcohol Licensing Policy 8.2

6 Staffing, Equalities, Financial, and Legal Implications

- 6.1 There are no extra staffing or financial implications to the Council, save for those in respect of possible appeal(s)
- 6.2 The Council is required to consider the impact any decision may have on an individual's Human Rights, however as the premises licence holder is a company, this does not arise in this review.
- 6.3 The Council is required to consider the impact any decision may have on crime and disorder in the area (Section 17, Crime and Disorder Act, 1998) which states as follows:
- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,
 - (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
 - (b) the misuse of drugs, alcohol and other substances in its area; and
 - (c) re-offending in its area.

7 Recommendations

- 7.1 The Sub-Committee must, having regard to the application and any relevant representation take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. S 52(3) of the Licensing Act 2003
- 7.2 The steps are; S 52(4) of the Licensing Act 2003
- (i) to modify the conditions of the licence
 - (ii) to exclude a licensable activity from the scope of the licence
 - (iii) to remove the designated premises supervisor
 - (iv) to suspend the licence for a period not exceeding three months
 - (v) to revoke the licence
- and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.*

8 Background Papers

8.1 All associated paper work regarding this application
The information pack

Contact Officer:- Mike Lyons Direct Line:- 01293 438698

A

**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 Chief Inspector Justina Beeken for and on behalf of the Chief Constable of
Sussex Police

apply for the review of a premises licence under section 51 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**

West Sussex Wines
198 Ifield Drive
Ifield

Post town
Crawley

Post code (if known)
RH11 0DQ

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

Mr Atul Raman Dave

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

14/01517/LAPRE

Part 2 - Applicant details	
I am	
	Please tick yes
1) an interested party (please complete (A) or (B) below)	
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>
2) a responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)	
Please tick	
Mr <input type="checkbox"/>	Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title <input type="text"/>
(for example, Rev)	
Surname	First names
<input type="text"/>	<input type="text"/>
Please tick yes	
I am 18 years old or over	<input type="checkbox"/>
Current postal address if different from premises address	<input type="text"/>
Post town	Post Code
<input type="text"/>	<input type="text"/>
Daytime contact telephone number	<input type="text"/>
E-mail address (optional)	<input type="text"/>

(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 Chief Inspector Beeken Crawley Police Station Northgate Avenue Crawley West Sussex RH10 8BF
Telephone number (if any) 01273 404242
E-mail address (optional) WS_Licensing_Hor@sussex.pnn.police.uk

This application to review relates to the following licensing objective(s)	
	Please tick one or more boxes
1) the prevention of crime and disorder	✓
2) public safety	
3) the prevention of public nuisance	
4) the protection of children from harm	✓

Please state the ground(s) for review (please read guidance note 1)

Sussex Police licensing department conducted test purchase operations in the Crawley district following intelligence pertaining to young people purchasing alcohol and creating anti-social behaviour.

West Sussex Wines failed test purchase operations conducted by Sussex Police on two separate occasions; Thursday 13th November 2014 & Wednesday 11th February 2015 whereby alcohol was sold to children.

Sussex Police contend that the following licensing objectives have been undermined:

1. The protection of children from harm
2. The prevention of crime and disorder

Please provide as much information as possible to support the application

West Sussex Wines is situated on a parade of shops in a densely populated residential area of Crawley. The premises licence permits the sale of alcohol for consumption off the premises only between 08:00 - 23:00 hours daily. The premises licence was granted in July 2014.

On Thursday 13th November 2014 following information being received from a member of the public, concerned the premises was selling alcohol to children, a test purchase operation was conducted at the premises. Two volunteer children, aged 15 & 16 years entered the premises. Plain clothed officers witnessed the children select two bottles of KOPPARBURG MIXED FRUIT CIDER 500ML 4% ABV They purchased this alcohol at the till without being challenged about their age or asked to produce identification. Uniformed officers then identified themselves to the member of staff who was issued a £90 Penalty Notice for Disorder (PND).

On Wednesday 19th November 2014, Mr Atul Dave the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) attended Horsham Police Station for a meeting with PC King of the Neighbourhood Licensing Team to discuss the failed test purchase. During the meeting Mr Dave stated that he was present at the premises at the time of the failed test purchase, however he had not witnessed the transaction. Mr Dave also explained that he would be putting further measures in place to ensure that it would not happen again. PC King reminded Mr Dave of the conditions placed upon his premises licence & of his responsibilities under the Licensing Act 2003. He was further advised that any future sales of alcohol to children would place the premises licence at risk. A letter summarising this meeting was duly sent to Mr Dave on 23rd November 2014.

On Tuesday 2nd December 2014, the Sussex Police Neighbourhood Licensing Team received a written response to the letter of 23rd November. Mr Dave stated that he took full responsibility for the failed test purchase believing it to be due to lack of staff training. The letter also stated that the premises would adopt Challenge 25 as the age verification policy. This was in fact already a condition of the premises licence:

- *The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under 25 (or the age set by the policy) will be asked for photographic ID to prove their age.*

On Wednesday 11th February 2015 a further test purchase operation was conducted. Two 16 year old volunteers entered the premises where a plain clothes police officer witnessed them purchasing two cans of Kronenbourg 5% ABV. At no stage did the staff member serving the children verify their age or request any identification. This is despite 'Challenge 25' posters being displayed at the till point.

The plain clothes officer identified themselves and explained that the premises had failed the test purchase. Uniform officers then entered premises and proceeded to take the details of the staff member making the sale in order to issue a £90 Penalty Notice for Disorder (PND). However their enquiries revealed that the male making the sale was breaching his immigration conditions and he was subsequently arrested. The male is currently being detained by UKBA waiting deportation. The PND issued shall remain on file.

It has since come to light that on 26th August 2014 Mr Dave was arrested for being drunk in charge of a motor vehicle contrary to the Road Traffic Act 1988. Mr Dave has pleaded not guilty and his case is due to be heard at Horsham Magistrates Court on 16th March 2015.

Sussex Police contend that Mr Atul Dave, as both the Premises Licence Holder and Designated Premises Supervisor, has failed in his duties to promote the licensing objectives and to address the very serious issue of selling alcohol to children. The premises has fallen below an acceptable standard despite Mr Dave receiving warnings and advice regarding the responsibilities conferred upon him as a premises licence holder and DPS. Conditions placed upon the licence have been ignored and clear evidence of criminality is linked to the premises.

Sussex Police have considered requesting additional conditions be placed upon the premises licence but, in view of the other offences linked to the Premises Licence Holder/ Designated Premises Supervisor, do not consider these will prove effective. Therefore Sussex Police request that the Licensing Committee seriously consider revocation of the Premises Licence, to protect local children from harm; sending a clear message that this behaviour shall not be tolerated by the Licensing Authority.

Please tick yes	
Have you made an application for review relating to this premises before	
No	
If yes please state the date of that application	Day Month Year

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

Please tick yes	
<ul style="list-style-type: none"> ▪ 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 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> ▪ I understand that if I do not comply with the above requirements my application will be rejected 	<input checked="" type="checkbox"/>

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

MFCaw DC102

Date 12/03/2015

Capacity A/ Chief Inspector Crawley District (covering CI Beeken)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

PS Mike Balmer
Centenary House
Durrington Lane
Worthing
West Sussex
BN13 2PQ

Telephone number (if any) 01273 404030

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

B

West Sussex Wines

Evidence

Over statement from PS Balmer Neighbourhood Licensing Team Sergeant
Statement PC Heasman re 13th November 2014
Letter to Mr Dave dated 23rd November 2014
Letter from Mr Dave dated 2nd December 2014
Statement PC Selwyn re 11th February 2015
Statement King re 11th February 2015

(when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

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Statement of: Michael David Balmer

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Sergeant

This statement (consisting 2 page(s) each signed by me) is true to the best of my knowledge of and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature: _____ Date 14/04/2015

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Licensing Sergeant responsible for managing the Sussex Police Licensing Team in West Sussex Division. One of my roles is to ensure that licensed premises are operating within the licensing law and in accordance with their conditions. When there is evidence to show that such premises are in breach of the law or not promoting the licensing objectives, it is my duty to ensure that this is effectively addressed and remedied. Following intelligence pertaining to young people purchasing alcohol and creating anti-social behaviour I requested that Sussex Police Neighbourhood Licensing Team organise and conduct a test purchase operation in the Crawley District.

The West Sussex Wines premises is a small off-licence situated on a parade of shops in a densely populated residential area of Crawley within the area subject to the intelligence reports.

On Thursday 13th November 2014 at approximately 21:20, West Sussex Wines was subject of the test purchase operation and sold alcohol to children whereby the person making the sale received a fixed penalty notice. Police officers from the Neighbourhood Licensing Team subsequently met and advised Mr Dave the Designated Premises Supervisor (DPS) & Premises Licence Holder (PLH) of the problems relating to his premises and reminded him of his responsibilities under the Licensing Act 2003 and the conditions of this premises licence. In order to ensure Mr Dave had taken the advice & his responsibilities seriously a further test purchase operation was conducted at

Continuation of statement of his premises on 11th February at 19:15 hours. Once again the premises sold alcohol to children without any challenge being made regarding their age. It was also established that the male working at the premises was committing immigration offences. It has subsequently come to light that the DPS has also been found guilty of being drunk in charge of a motor vehicle contrary to the Road Traffic Act 1988 having almost twice the prescribed legal limit in his breath samples.

The Home Office guidance S182 (11.27) of the Licensing Act 2003 takes the sale of alcohol to children very seriously as does the Local Authority;

"There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously."

Specifically:

"For the illegal purchase and consumption of alcohol by minors which impacts on the health, education attainment, employment prospects and propensity for crime of young people"

It is my opinion that the management of the premises has fallen far below the standards I would expect from a licensed premises. The DPS/PLH has shown poor levels of judgement & responsibility in relation to the sale and personal use of alcohol. He has repeatedly sold alcohol to children despite warnings and advice and it may reasonably be assumed has contributed to the illegal sales to children in the Crawley area, through these indiscriminate sales of alcohol.

Signature

Signature witnessed by:

PTO

SUSSEX POLICE

MG11



WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1


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Statement of: James HEASMAN

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer CH672

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.


Signature:  CH672 Date 14. Nov 2014

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a uniformed Sussex Police Licensing officer based at WORTHING Police Station, where I perform a role of a Licensing Officer in respect of West Sussex in accordance with the Licensing Act 2003.

On Thursday 13 November 2014, I was on duty in plain clothes working on an Operation Teepee. This operation involves sending minors into licensed premises with them trying to purchase alcohol.

At 21:20 hours we attended WEST SUSSEX WINES at FIELD PARADE, CRAWLEY where a 15 year old male and 16 year old female entered the store and selected 2 bottles of fruit cider. They went to pay and placed them on the counter, the male working did not ask them for ID he just put the items into a bag and the minors handed over the money. They left the store, and handed over the alcohol to another member of Police staff working within the remit of the operation outside away from the shop. I then seized the 2 bottles of fruit cider and I exhibit these as JDH/1 (). I went back into the store with the uniformed officers, identified myself to the male who served the minors explained the circumstances of the sale and the uniformed officers cautioned the male. My colleague PC WHITCOMBE who was also in plain clothes kept observations on the male who served the children at all times after the offence was committed.

 CH672

Signature: _____ Signature witnessed by: _____

MG11 5/2007





Sussex Police
Serving Sussex

www.sussex.police.uk

Neighbourhood Licensing Team

23rd November 2014

Mr Atul Dave

West Sussex Wines
198 Ifield Drive
Crawley
West Sussex RH11 0DQ

Dear Mr Dave

Ref: Failed Test Purchase

Thank you for meeting with me regarding the recent failed test purchase which took place on Thursday 13th November 2014 at West Sussex Wines when a member of staff sold two bottles of cider to a male and female aged under 18 years old.

The purpose of the meeting was to discuss the reasons why this had taken place and to ensure that this does not occur again.

Although you did not witness the sale you stated that you did see the volunteers when police identified themselves and were surprised that the member of staff had not asked for proof of age despite having a challenge 25 age verification policy.

You stated that you were disappointed that this had taken place and said that you will be making changes at the store to prevent this taking place again. As discussed please could you provide to me in writing, within fourteen days of the date of this letter all the systems/actions you have put in place to prevent any further sales to underage customers.

The sale of alcohol to underage individuals has an effect on the local community in the form of anti social behavior and personal risk to the individuals concerned. Sussex Police are committed to reducing these issues and should there be any further failed test purchases at the premises this may result in Sussex Police seeking a review of your premises licence.

Horsham Police Station
Hurst Road, Horsham, West Sussex, RH12 2DJ

Telephone: 101 Ext 630290

Should you have any questions please do not hesitate to contact me.

Yours sincerely,

PC Phil KING CK171
Neighbourhood Licensing Team

Horsham Police Station
Hurst Road, Horsham, West Sussex, RH12 2DJ

Telephone: 101 Ext 530290

West Sussex Wines
198 Ifield Drive
Crawley
West Sussex RH11 0DQ

PC Phil King
Neighbourhood Licensing Team
Horsham Police Station
Hurst Road
Horsham
West Sussex RH12 2DJ

2nd December 2014

Dear PC King,

Re: Failed Test Purchase

Thank you for your letter dated 23rd November regarding the recent failed test purchase of alcohol at our shop.

I believe that the main reason that this failure has occurred is due to staff training, which I take full responsibility for. The member of staff who erred on this occasion has been reprimanded and all staff have been vigorously reminded of the requirement to confirm age before selling alcohol or tobacco products.

I am also going to put up posters and signs in the shop showing no sale of alcohol and tobacco to anyone under the age of 25. In the training I have also mentioned to my staff that they **MUST** check the ID of anyone who is not obviously over 25. If in doubt, check. No ID, no sale. It is better to refuse a sale than to lose our alcohol/tobacco license.

We do take this matter seriously and I am confident that there will not be a re-occurrence.

Yours sincerely,



Mr Atul Dave



WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

URN [] [] [] []

Statement of: Claire SELWYN

Age if under 18: OV 18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature: Date 11/02/2015

Tick if witness evidence is visually recorded [] (supply witness details on rear)

On Wednesday 11th February 2015 I booked on duty at Horsham Police Station in plain clothes. I was participating in a planned Test Purchase Operation to take place that evening to test premises within the Crawley area of West Sussex. The Operation is to assist in preventing underage sales in licensed premises. My role within the Operation was to enter licensed premises in plain clothes to conduct a spontaneous risk assessment, prior to allowing our 16 year old Police Cadets to enter.

At about 19:15 hours I entered WEST SUSSEX WINES, IFIELD PARADE, CRAWLEY, RH11 0DQ. Once I entered I saw one male standing and serving behind the counter. I now know this male to be V P who resides at I would describe P to be an Indian male, slim build, about 5ft 3 inches tall, early twenties, short dark brown hair, wearing Jeans and a dark top. I also noticed he was wearing white headphones in one ear whilst serving.

The two police cadets entered the premises within about 30 seconds after me. Both cadets walked towards the fridge counter and selected two cans of 1664 Kronenbourg. The male cadet placed the two cans on top of the counter. The male who I now know to be V P simply asked for payment for the two cans of beer. I did not see or hear him challenge the cadets ages at all. I didn't even notice him look up at them. He took the payment and gave the change without a word being exchanged. He did not ask for their ages and nor did he ask to see any ID.

The cadets then walked out of the premises with the two cans of beer and I remained inside the store. At this point I disclosed myself showing my warrant card to V P stating "I'M PC SELWYN FROM THE NEIGHBOURHOOD LICENSING TEAM AND YOU HAVE JUST FAILED A TEST PURCHASE

Continuation of statement of
OPERATION. MY COLLEAGUES WILL BE HERE SHORTLY TO DEAL WITH THIS AND EXPLAIN THINGS
FURTHER TO YOU".

After a few minutes PC KING CK171 and PC JONES CJ903 entered the premises. I relayed the
circumstances to PC KING in full view and hearing of V [REDACTED] P [REDACTED]

Whilst PC KING dealt with Mr V [REDACTED] he asked that I contact out of hours immigration which I did. Whilst on
the phone to them it transpired that immigration offences had been committed. At this point I handed the
phone over to PC KING who then dealt with all the offences.

Signature

Signature witnessed by:

PTO

[REDACTED]

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B


URN [REDACTED]

Occurrence Number: 47150018272

Statement of: PHILIP KING

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  #CK171 KING, P.

Date: 11/02/2015 23:27

Tick if witness evidence is visually recorded

On Wednesday 11th February 2015 I was on duty with PC JONES CJ903 in full uniform and in a marked police vehicle as part of a test purchase operation in the Crawley area.

At approximately 19:10 hours I was advised by the plain clothes officers that a sale had taken place in West Sussex Wines, 198 Ifeld Parade, Crawley, West Sussex. On entering the store I approached PC SELWYN DS198 who then informed me of the circumstances of the sale and identified the seller of the alcoholic drink to me. I now know this person as V [REDACTED] P [REDACTED]

I then completed a fixed penalty notice for the offence of selling an alcoholic drink to a person under 18 years of age. I then completed a search via the police national computer and was informed that P [REDACTED] had a marker for immigration offences. I then contacted UKBA out of hours who confirmed he was in breach of his conditions and arrestable. As a result of this information I said to P [REDACTED] "I am arresting you on suspicion for breach of your immigration status (CAUTION) the necessity for your arrest is to prevent disappearance.

P [REDACTED] made no comment after caution, time of arrest 19:36. I then placed P [REDACTED] in handcuffs to the rear and escorted him to Crawley Custody where his detention was authorised.

2010/11

[REDACTED]



Lyons, Michael

From: Oliver.Robinson@sussex.pnn.police.uk on behalf of
ws_licensing_hor@sussex.pnn.police.uk
Sent: 16 April 2015 12:47
To: Licensing
Cc: James.Sefton@sussex.pnn.police.uk; Lyons, Michael;
Jean.Irving@sussex.pnn.police.uk
Subject: West Sussex Wines

Good afternoon,

Sussex Police have received an application to vary the DPS and transfer the premises licence for West Sussex Wines, 198 Ifield Drive, Crawley, RH11 0DQ on 13 April 2015. This premises licence is currently subject to review proceedings following an application submitted by Sussex Police.

I can confirm that Sussex Police have no objections to this transfer of licence to Kamal PATEL and Darshan PATEL and change of DPS to Kamel PATEL however this does not affect the application for review of the premises licence submitted by Sussex Police.

Regards
Oli

Oliver Robinson
Licensing Officer

Police Station, Hurst Road, Horsham, West Sussex, RH12 2DJ
Neighbourhood Licensing Team, W. Sussex
Mobile: 07881517668
Direct Dial: 01273 404242 or 101 ext 530248

Sussex Police – Serving Sussex

You can report crime and incidents online at www.sussex.police.uk/reportonline

We want to know your views – see what's new and give us your feedback and suggestions at www.sussex.police.uk

If you have received this message in error, please contact the sender as soon as possible – you may not copy it, or make use of any information contained in it for any purpose, or disclose its contents to any other person. Messages sent and received by Sussex Police are not private and may be the subject of monitoring.

Premises Licence

(Licensing Act 2003 - Part A)

D

CRAWLEY BOROUGH COUNCIL

Licensing Section, Town Hall, The Boulevard, Crawley,
West Sussex. RH10 1UZ
01293 438289



PREMISES LICENCE NUMBER

14/01517/LAPRE

Part 1 - Premises details

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

West Sussex Wines
198 Ifield Drive
Ifield

Post Town Crawley **Post Code** RH11 0DQ

Telephone number 07540301320

Where the licence is time limited the dates; Not applicable

Licensable activities authorised by the licence;
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

Supply of Alcohol

Standard days & Timings; Monday - Sunday 08:00 – 23:00

The opening hours of the premises

Standard days & timings; Monday - Sunday 08:00 – 23:00

Where the licence authorises supplies of alcohol whether these are on the and/or off supplies
Off The Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence;
Mr Kamal Patel Mr Darshan Patel

Registered number of holder, for example company number, charity number (where applicable)
N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol
Kamal Patel

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licensing Authority: Wealdon District Council WWA/LN/000008021

State whether access to the premises by children is restricted or prohibited ; NO

Annex 1 –Mandatory Conditions

- 1 If this premises licence authorises the supply/sale of alcohol, the following two conditions apply:
 - (i) No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated supervisor does not hold a personal licence or his personal licence is suspended.
 - (ii) Every supply/sale of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- 2 If this premises licence authorises the exhibition of film(s), the admission of children under the age of 18 years is restricted in accordance with the age restrictions of the British Board of Film Classification (BBFC) or authority designated under Section 4 of the Video Recordings Act 1984.

- 3 If this premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity (as defined by the Private Security Industry Act 2001) then such individuals must be licensed by the Security Industry Authority.
(Condition 4 effective from 6th April 2014)

4. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (2) For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (i) P - is the permitted price,
 - (ii) D - is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V - is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
 - (3). Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 - (4). (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
(Conditions 5 to 8 effective from 1st October 2014)

5. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available
7. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
8. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Annex 2 – Conditions consistent with the Operating Schedule

The following conditions were agreed by Sussex Police and the applicant 04.06.14 (No 1 - 9)

1. The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under 25 (or the age set by the policy) will be asked for photographic ID to prove their age.
2. The only form of ID that will be accepted are passports, driving licences with a photograph or Citizen card or validated proof of age cards bearing the "PASS" mark hologram. The list of approved ID may be amended or revised subject to prior written agreement with Sussex Police.
3. Signage advertising the "Challenge" policy will be displayed in prominent locations in the premises and shall include the point of sale as a minimum.
4. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed and refresher training thereafter at intervals of no more than six (6) months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
5. A written record of those authorised to make sales of alcohol shall be kept. This shall be endorsed by the DPS with the date such authorisation commences. This shall be made available immediately upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
6. The premises shall at all times maintain and operate a sales refusals log will be kept on the premises to record all refusals. These shall be reviewed and signed by the Designated Premises Supervisor at intervals of no more than four three (3) months. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
7. CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System and shall as a minimum cover the servery/counter the entrances.
8. CCTV Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made immediately available upon request to the police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
9. It will be the responsibility of the DPS, or duty manager, to ensure that any request from the police for a CCTV recording to be made for evidential purposes, is carried out immediately, in compliance with data protection legislation.

Annex 3 – Conditions attached after a hearing by the licensing authority

N/a

Annex 4 – Plans;-

This licence is issued subject to the attached approved plan (plan which was submitted as part of the application process) and now forms a very important part of the 'authorisation'.

(Any alternation made to the premises or a substantial change to the approved plans which are currently in the possession of the Council may require a variation of the licence. You are advised to consult with this Licensing Authority before you make any proposed changes).

IMPORTANT;

This licence is issued subject to the relevant (Licensing Act 2003, the Act) legislation and does not constitute an authorisation for any other purpose administered by Crawley Borough Council and it may not be construed that the grant of this premises licence shall indicate the approval of any other authorisation administered by this Council. This licence forms an authorisation which indicates the approved licensable activities applicable to the premises so mentioned, the times of these activities, the approved layout of the premises and the conditions by which the premises may lawfully operate.

You are advised that in accordance with s136 on the Act , a person commits an offence if they carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation or knowingly allow a licensable activity to be so carried on.



Directorate of Public Health, Health and Social Care Commissioning,
West Sussex County Council,
1st Floor, The Grange,
Chichester,
West Sussex PO19 1QT

1st April 2015,

Dear Sir/Madam,

Re: Application for the review of the premises license: West Sussex Wines,
Crawley

West Sussex County Council (Directorate of Public Health, Health and Social
Care Commissioning) wishes to support the application by Sussex Police to
review the licence of:

West Sussex Wines, 198 Ifield Drive, RH11 0DQ

West Sussex County Council (Directorate of Public Health, Health and Social
Care Commissioning) concurs that the Licensing Objectives of:

- (1) The Prevention of Crime and Disorder;
- (4) The protection of children from harm;

are not being promoted, as demonstrated by the failure of two test purchase
operations within 3 months, where alcohol was sold to children.

West Sussex County Council (Directorate of Public Health, Health and Social
Care Commissioning) are disappointed to learn about the underage sales of
alcohol by West Sussex Wines and endorse the proposal recommended by
Sussex Police.

We wish to provide the following information in support of this application:

The sale of alcohol to children is of extreme concern, particularly in light of the
strong evidence demonstrating the harms caused by alcohol amongst children.

The Chief Medical Officer provides impartial health advice to the government and the public, and has provided the following guidance about under-18s and alcohol, which highlights that they are at greater risk of the effects of alcohol:

'Parents and young people should be aware that drinking, at age 15 or older, can be hazardous to health and that not drinking is the healthiest option for young people.¹

'Binge drinking and heavy alcohol use in young people is associated with health risk behaviours including injury, sexual activity, fighting and drug use. Adolescents who use alcohol are more likely to have had sexual intercourse and multiple numbers of sexual partners. Young women who binge drink are more likely to have experienced regretted sex as well as forced, or attempted forced, sex. Alcohol use before sexual activity can result in condoms being used incorrectly or not used at all. Drinking is associated with violent behaviour in young people. Those who drink frequently or binge drink are more likely to be involved in fights, to be injured fighting, to commit violent offences and to carry weapons².

We know that binge drinking is a problem for some young people in West Sussex. Data shows that 10% of young people aged 14/15 regularly drink alcohol³. The lifestyle survey for 16-24 year olds in West Sussex showed that one in three males and one in four females regularly consume alcohol and a quarter of young adults admit to regularly binge drinking (29.8% of males and 18.8% of females)⁴.

From 2007-2010, 20,000 under 18s were admitted to hospital in England as a result of drinking alcohol⁵. The reasons for hospital attendance (although not included in the data collected) are likely to include alcohol poisoning, acute intoxication, injury and assault.

For these reasons, CMO Guidance recommends that young people aged under 15 should not drink alcohol at all and those aged 15-17 must be strongly regulated⁶. Therefore, it is important that appropriate action is taken by the

¹ http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_110256.pdf
p.X

² http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_110256.pdf
p.X

³ WSCC (2014) West Sussex Joint Strategic Needs Assessment Summary, 2014

⁴ WSCC (2014) West Sussex Joint Strategic Needs Assessment Summary, 2014

⁵ North West Public Health Observatory, LAPE 2010:lape.org.uk

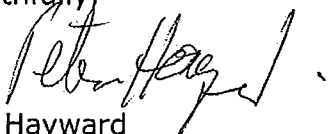
⁶ Donaldson L, (2009) Chief Medical Officer for England, Guidance on the consumption of alcohol by children and young people,

relevant authorities to ensure that the licencing objectives are promoted and which is supported by NICE guidance⁷.

There is one secondary school and sixth form (Ifield Community College) located less than one mile from West Sussex Wines (See Appendix 1). It is important to protect those aged under 18 who are vulnerable to the harms of alcohol, by demonstrating to other licensed premises that underage sales is strictly prohibited in Crawley and across West Sussex.

In summary, West Sussex County Council (Directorate of Public Health, Health and Social Care Commissioning) fully support the representations made by Sussex Police and believe them to be necessary, proportionate and reasonable in order to prevent crime and disorder and to protect children from harm.

Yours faithfully,



Dr Peter Hayward

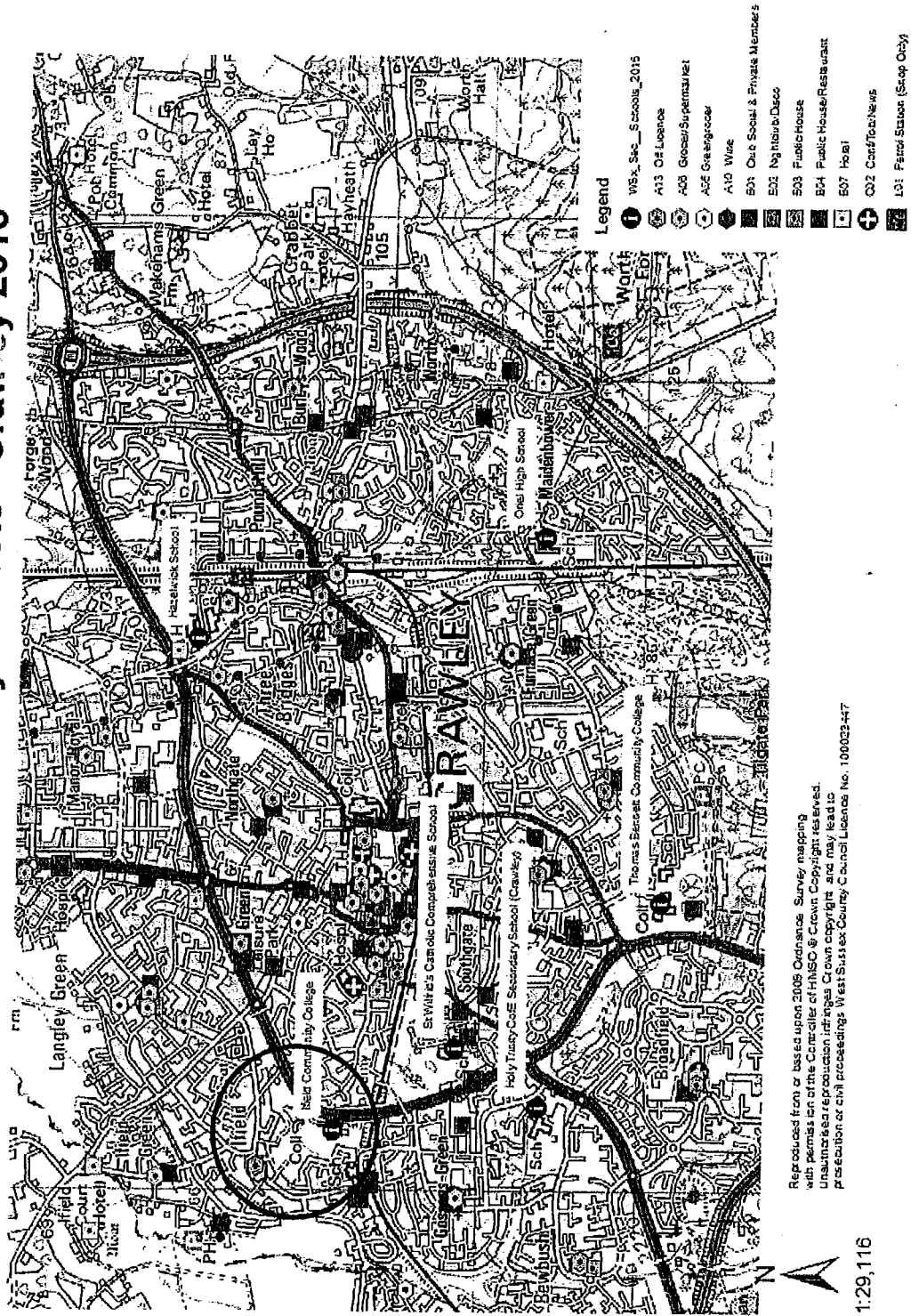
Consultant in Public Health

Public Health & Wellbeing Directorate

⁷ NICE, 2010, Alcohol-use disorders: preventing harmful drinking. NICE public health guidance 24
<http://www.nice.org.uk/guidance/ph24/resources/guidance-alcoholuse-disorders-preventing-harmful-drinking-pdf>

Appendix 1:

Licensed Premises vs. Secondary Schools - Crawley 2015



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