

Crawley Borough Council

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Report to Licensing Sub Committee

Monday 18th May 2015

Application to Review the Premises Licence applicable

To

'The Boulevard Newsagents'

62 The Boulevard

Northgate

Crawley

West Sussex

Tony Baldock
Environmental Health Manager

1. Details of Application

*Reference
Documents and
Guidance*

- 1.1 On the 25th 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 on Wednesday 11th February 2015 The Boulevard Newsagents sold alcohol to a child during test purchase operations in the Crawley District following intelligence

pertaining to young people purchasing and consuming alcohol and creating anti-social behaviour. Whilst officers were on the premises they also witnessed a sale of alcohol to an intoxicated person.

- 1.4 On the 22nd April 2015 Sussex Police submitted an evidential bundle with supporting documents. **Appendix B**
Copy of the evidential bundle
- 1.5 **Mrs. Jothi Muthuraman**;- is the premises licence holder and is also named on the licence as the designated premises supervisor. **Appendix C**
Copy of the premises licence
- 1.6 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 C**
Copy of the 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 Kate Bailey - Directorate of Public Health, West Sussex County Council. **Appendix D**
Copy of representation
- 2.3 Dr. Bailey states the Directorate of Public Health are disappointed to learn about the underage sale(s) of alcohol and the sale of alcohol to someone who was visibly intoxicated at the above mentioned premises. Dr Bailey also states 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. For these reasons the Directorate of Public Health endorse the proposal recommended 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 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)

3.4 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 holder's early warning of their concerns and the need for improvement, and where possible they should advise the licensee 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 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. S182 Guidance Para 11.17

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; S182 Guidance Para 11.19

(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.

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| 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 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. | S.182 Guidance
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 | S.182 Guidance
Para 11.30 |

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.

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| 4.12 | <p>The following parties may appeal the decision of a licensing authority on any application for review of a premises licence:</p> <ul style="list-style-type: none"> (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. | Schedule 5,
Para 8 LA03 |
| 4.13 | <p>The court, on hearing any appeal, may review the merits of the decision on the facts and consider points of law or address both.</p> | S182 Guidance
Para 12.6 |
| 4.14 | <p>On determining an appeal, the court may:</p> <ul style="list-style-type: none"> (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. | S182 Guidance
Para 12.7 |
| 4.15 | <p>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.</p> | S182 Guidance
Para 12.8 |
| 4.16 | <p>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.</p> | S182 Guidance
Para 12.10 |

5 Policy Considerations

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| 5.1 | <p>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.</p> | S182 Guidance
Para 13.2 |
| 5.2 | <p>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.</p> | CBC Alcohol
Licensing Policy
1.2 |
| 5.3 | <p>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.</p> | CBC Alcohol
Licensing Policy
1.7 |
| 5.4 | <p>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.</p> | CBC Alcohol
Licensing Policy
2.4 |
| 5.5 | <p>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.</p> | CBC Alcohol
Licensing Policy
2.5 |
| 5.6 | <p>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.</p> | CBC Alcohol
Licensing Policy
2.10 |
| 5.7 | <p>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.</p> | CBC Alcohol
Licensing Policy
2.11 |

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| 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

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| 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.

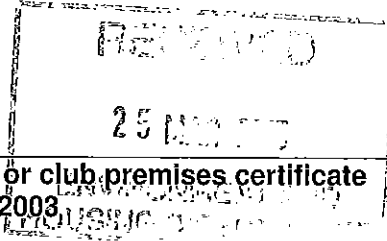
7 Recommendations

- 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



**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

BOULEVARD NEWSAGENTS
62 THE BOULEVARD
WEST SUSSEX

Post town

Crawley

Post code (if known)

RH10 1XH

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

Mrs Jothi Muthuraman
Casbah
22 Horsham Road
West Green
Crawley
West Sussex
RH11 7AX

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

12/01161/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"/>

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

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

Boulevard Newsagents sold alcohol to children during a test purchase operation conducted by Sussex Police on Wednesday 11th February 2015. While officers were on the premises they witnessed a sale of alcohol to an intoxicated male.

Further enquiries revealed the breach of a number of conditions attached to the premises licence.

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

(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 for and on behalf of the Chief Constable of Sussex Police C/O Sussex Police Divisional Headquarters Centenary House Durrington Lane Worthing West Sussex BN13 2PQ
Telephone number (if any) 01273 404242
E-mail address (optional) WS_licensing_Wor@sussex.pnn.police.uk

Please provide as much information as possible to support the application
(please read guidance note 2)

The Boulevard Newsagents is situated in a parade of shops in Crawley Town Centre. The premises licence permits the sale of alcohol for consumption off the premises only between 10:00 - 00:00 hours daily.

The area suffers from anti-social behaviour, much of which is related to members of the street drinker community. Intelligence indicates this originates from the parade. Jothi Muthuraman is the Designated Premises Supervisor (DPS) and the sole Premises Licence Holder (PLH) of The Boulevard Newsagents. Mrs Muthuraman's home address is the Casbah; an off-licensed premises in the West Green area of Crawley. Up until July 2014 the premises licence for the Casbah was held by her husband.

On 25th March 2014 Sussex Police executed a search warrant under Section 26 of the Theft Act 1968 at the Casbah. Both Jothi Muthuraman and her husband Anamali Muthuraman were arrested and charged with handling stolen goods and are due to appear before Lewes Crown Court on 23rd March 2015.

Wednesday 11th February 2015 (18:00 hours)

On Wednesday 11th February 2015 a test purchase operation was conducted in the area following intelligence received by Sussex Police. A 16 year old volunteer entered the premises where a plain clothes police officer from the Neighbourhood Licensing Team (NLT) witnessed the child purchase a bottle of Smirnoff Ice (4% ABV). At no stage did the staff member serving the child seek to verify their age nor to request any identification.

While observing the child, PC Heasman the plain clothed officer, noticed a male clearly unsteady on his feet, queuing to purchase a can of Fosters beer. When the child left the premises PC Heasman remained and saw the male who was visibly bemused and swaying, proceed to the counter where he purchased the can of fosters (4% ABV) from the same member of staff. The male smelt of stale alcohol and in the opinion of the police officer was drunk. Uniformed officers then entered the premises and obtained the details from the male who they also considered to be drunk. This took some time on account of his inability to understand or communicate clearly as a result of his level of intoxication. PC Heasman also noticed that alcoholic products above 6% ABV were on sale at the premises and suspected it may be prohibited by a condition on the premises licence, which was unavailable at the time of the test.

The plain clothed police officers identified themselves and the circumstances relating to both sales were explained to the member of staff who had made them. The uniform officers reported the member of staff for summons to court. The matter is currently sub-judice.

26th February 2015

PC Jones and Mr Robinson of the NLT checked the premises licence confirming the inclusion of a condition preventing the sale of beer, lager or cider above 6% ABV. They then attended the premises, where a male member of staff was on duty. PC Jones observed a number of different alcoholic beers of between 7% and 7.5% ABV being offered for sale on the shelves. There were no signs advertising an age verification policy for persons appearing to be under 25 years of age. Mr Robinson asked to see the premises refusals register. After some searching the male and a second staff member located a book which contained 21 entries dated between 1st September 2014

& 17th October 2014 apparently made by two persons. The male stated that he used the book and had written in it. The condition attached to the premises licence states:

- *The premises shall at all times maintain and operate a sales refusals book and an incident log which shall be reviewed by the Designated Premises Supervisor at intervals of no less than four (4) weeks and feedback given to staff as relevant.*
- *The refusals book & incident log shall be available upon request to Police, Police Licensing Officers, Local Authority Staff and Trading Standards*

After a short while a female entered the premises and identified herself as the DPS. She was asked to provide the CCTV footage showing the sale of alcohol to an intoxicated male on 11th February 2015. She was unable to do so. She was then asked to produce staff training records. After offering the incident/refusals register, she acknowledged that she could not produce any training records but said that her husband would produce them. She was reminded that she was the Designated Premises Supervisor and it was her responsibility to comply with the conditions placed upon the premises licence and to ensure the premises was run in accordance with the Licensing Act 2003. She was asked to provide the requested items for inspection on 3rd March 2015.

3rd March 2015

Police licensing officers again attended the premises. The CCTV was still not available and the DPS admitted that the system could not provide the recording. The licence has clear conditions which state:

- *CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System.*
- *CCTV Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure will be notified to the police on the non emergency contact number or the Licensing Officer & remedied as soon as practicable.*
- *It will be the responsibility of the DPS to ensure that any request from the police for a recording to be made for evidential purposes, is carried out as soon as possible.*

The training records were again requested. A 2006 diary was produced with a single entry dated "2nd March" with names signed next to it. The licence has clear conditions which state:

- *All staff will be trained in all aspects of the Licensing Act 2003*
- *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 to licensing, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.*
- *Induction training must be completed, and fully documented, prior to the sale of alcohol by the staff member and age related sales refresher training thereafter at intervals of no less than eight (8) weeks.*

- *All restricted sales training undertaken by staff members shall be fully documented and recorded.*
- *All training records shall be made available to the Sussex Police and the local Trading Standards service upon request.*

Alcohol above 6% ABV was still available for sale and no age challenge signs were on display. The licence has clear conditions which state:

- *No beer, lager or cider above 6% abs to be sold from the premises*
- *The premises will operate a minimum Challenge 25 policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age.*
- *Suitable signage advertising the 'challenge 25' policy will be displayed prominent locations in the premises.*
- *The only form of ID that will be accepted are passports, driving licences with a photograph or Portman Group, Citizen card or validate proof of age cards bearing the "PASS" mark hologram.*

Mrs Muthuraman, had clearly failed to comply with the conditions attached to the premises licence. As a result of the failure to provide CCTV footage of an offence on the premises, the display for sale of alcohol above 6%ABV and the failure to display signage pertaining to a Challenge 25 age verification scheme, PC Jones reported Mrs Muthuraman for summons for offences committed under the Licensing Act 2003.

Sussex Police contend that Jothi Muthuraman as both the Premises Licence Holder and Designated Premises Supervisor has failed in her duty to promote the licensing objectives. She has allowed the very serious offence of selling alcohol to children and the sale of alcohol to a person who is drunk; both of which are offences under the Licensing Act 2003. She has allowed the premises to fall below an acceptable standard placing children at risk and contributing to ongoing anti-social behaviour in the area. There is evidence of criminality linked to Mrs Jothi Muthuraman and her association with another licensed premises. She has failed to comply with conditions placed upon her premises licence.

Sussex Police have considered the removal of Mrs Muthuraman as the DPS but do not believe this appropriate as she is also the PLH. Consideration has also been given to seeking additional conditions however the failure to comply with those currently on the premises licence indicates this would not be fruitful. Sussex Police therefore have no alternative than to request that the Licensing Committee seriously consider revocation of the Premises Licence, to protect children from harm and to reduce alcohol related anti-social behaviour in the area; 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	<input type="checkbox"/> 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	<i>RFCarr A/Chief Inspector DC102</i>
Date	24/03/2015
Capacity	A/Chief Inspector Crawley District

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
PS Michael Balmer Centenary House Durrington Lane Worthing West Sussex BN13 2PQ	
Telephone number (if any)	01273 404242
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) ws_licensing_hor@sussex.pnn.police.uk	

Notes for Guidance
<ol style="list-style-type: none"> 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.



Boulevard

Evidence

Statement PS Balmer over statement

Statement PC Heasman re 11th February 2015

Statement PC Jones dated 8th March 2015

(when complete)

WITNESS STATEMENT

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

URN [] [] [] []

Statement of: Michael David Balmer

Age If under 18: (if over 18 insert 'over 18') Occupation: Police sergeant

This statement (consisting of 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: Date 20/4/15

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 Boulevard 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 11th February 2015 at 1800 hrs The Boulevard was subject to a test purchase operation. The premises sold alcohol to a child without any challenge being made regarding their age. Whilst the purchase was being observed by a plain clothes officer and after the children had left the store he saw a male who was drunk served by the same member of staff with a can of lager. The staff member has subsequently been reported for the two offences of selling alcohol to a child and selling alcohol to a person who is drunk.

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;

Signature: Signature witnessed by:

MG11 5/2007

(when complete)

"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"

Another cause for concern is that the Premises Licence Holder/Designated Premises Supervisor Jothi Muthuraman who held a similar position at 'Casbah' (an off licence) was arrested and subsequently charged for Handling Stolen Goods after a warrant was executed at the premises on 25th March 2014. The trial is due to commence at Lewes Crown Court on 27th April 2015.

It is my opinion that the management of the premises has fallen far below the standards I would expect from a licensed premises. The premises has sold alcohol to children and sold alcohol to a drunk. It is reasonable to conclude the premises has contributed to the illegal sales to children in the Crawley area, through these indiscriminate sales of alcohol and heightened the risk of anti social behaviour by the selling of alcohol to drunks.

Lined area for additional text or notes.

[Redacted] when complete)

WITNESS STATEMENT

(CJ Act 1987, s.9; MC Act 1980, ss.6A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

URN [] [] [] []

Statement of: James HEASMAN

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

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: [Redacted] CH672 Date 11 Feb. 15

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

On Wednesday 11 February 2015, I was in plain clothes assigned to Operation TP. This operation is to conduct test purchases with both on and off licensed premises with children under 18 years old attempting to buy alcohol.

At 18.00 hours we arrived at BOULEVARD NEWSAGENTS, BOULEVARD, CRAWLEY RH10 1XH. I entered the shop and our 16 year old test purchaser followed in a short time later. I walked around the store and they went to the alcohol section and selected a bottle of SMIRNOFF ICE 275ml, with an Alcohol By Volume (ABV) 4% vol, and also selected some other confectionary items. They went up to the counter and started to queue behind a male who seemed to be trying to find some money in his pocket and to be honest I didn't pay too much attention at that moment in time, I just noticed that he allowed our 16 year old to go in front of him. A male I now know to be S [Redacted] in K [Redacted] A DOB [Redacted] was working alone behind the counter, he made no comments and just accepted the money from our test purchaser, and then after giving the change our child left the store.

I waited in the store, and started to really notice the male who had let the child go in front of him. He was clearly unsteady on his feet, and when I pointed out it was his turn next to pay he looked at me extremely bemused and carried on swaying trying to find money in his pockets. This male smelt stale intoxicating liquor, and when I asked him if he wanted to go he couldn't string a sentence together to reply. In my opinion I would say this male was drunk. I then witnessed him place a single can of FOSTERS beer with an ABV of 4% onto the counter, he was served by K [Redacted] who didn't exchange any conversation with this drunk male and just took his money and completed the sale. I spoke to this male and after trying to establish any details about him which failed miserably, and the continued glazed looks I decided to show him my warrant card. This didn't seem to get anymore attention and he kept in the same spot, swaying, looking at me, he then just smiled. I asked him if he was ok, and if he wanted to take his beer he had left on the counter after paying for it. He said nothing and kept looking at it, and at me. I reassured him he wasn't in any trouble as my uniformed colleagues arrived in a marked police vehicle directly outside the shop.

I called in PC KING CK171 and PC JONES CJ903 who were the uniformed back up who came in and witnessed this males behaviour both confirming they also felt he was drunk. Eventually after obtaining the drunk males details he picked up his beer and left the store.

I then relayed the circumstances of both sales to K [Redacted] and cautioned him, he acknowledge both the sales. I then left PC KING AND PC JONES to deal with both the males and completed a check of the premises, I wasn't aware of their conditions but can confirm they had a few brands of high strength beer with an ABV of 6% and above in the alcohol fridge cabinets.


I can confirm this statement was written at 22:50 hours on Wednesday 11 February 2015.

Signature: [Redacted] CH672 Signature witnessed by: _____ MG11 5/2007

[Redacted] (when complete)

[REDACTED] (when complete)

MG11

WITNESS STATEMENT	
Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.6B	
URN	
Occurrence Number: 47160027099	
Statement of: WARREN JONES	
Age if under 18: Over: 18 (If over 18 insert 'over 18') Occupation: Police Constable CJ903	
This statement (consisting of 3 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:  #CJ903 JONES, W.	Date: 08/03/2016 16:11
Tick if witness evidence is visually recorded <input type="checkbox"/>	

On Wednesday 11th February 2015, I was on uniformed duty accompanied by PC CK171 KING, as part of Operation TP, conducting test purchases at licensed premises in the Crawley area.

At 1810 hours I was contacted by PC CH672 HEASMAN who was in The Boulevard Newsagents, 62 The Boulevard, CRAWLEY, RH10 1XH, asking for our assistance. On entering the premises, I spoke to PC HEASMAN, who was in plain clothes, and he relayed to me a set of circumstances that clearly indicated to me that offences had taken place inside the premises with regards to the Licensing Act 2003. While in the premises, I did not see any Challenge 25 posters displayed anywhere.

On Thursday 26th February 2015, I was on uniformed duty accompanied by Assistant Licensing Officer Oliver ROBINSON, when we attended The Boulevard Newsagents. I asked the member of staff serving behind the till if they were the Designated Premises Supervisor (DPS). They confirmed that they were not, but contacted them on the telephone, telling me that they would be there soon. I looked around the premises, and again could not see any "Challenge 25" posters displayed anywhere. Looking in the alcohol display chiller cabinets, I saw that there were 284ml bottles of Dragon Stout at 7.5% alcohol by volume (ABV), 325ml bottles of Guinness Foreign Extra at 7.5% ABV, and 500ml cans of Debowe beer at 7% ABV. I took several photos of some of these beers, and can produce copies of these as my exhibits marked WJ/02 and WJ/03. At 1255 hours the same day, I spoke to the DPS, a female I now know to be Jodhai MUTHURAMAN, born 20/05/1979, of 22 Horsham Road, CRAWLEY RH11 7AX. I confirmed with her that she was the DPS, and that she was aware of the incident on the 11th February 2015, whereby I was investigating offences that took place in the premises. I then formally requested from her, CCTV recordings from all cameras in the premises for the times 1750 hours to 1830 hours on Wednesday 11th February 2015. This request was made 15 days after the incident I was investigating.

I am aware that The Boulevard Newsagents has been issued a Premises Licence, number 12/01161/LAPRE, and I have

2010/11

[REDACTED] (when complete) V.02

[REDACTED] (when complete)

MG11

viewed this licence and the conditions thereon. Condition 7 of Annex 2 on this premises licence states "CCTV Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown of system failure will be notified to the police on the non emergency contact number of the Licensing Officer and remedied as soon as practicable." Condition 9 of Annex 2 on this premise licence states "It will be the responsibility of the DPS to ensure that any request from the police for a recording to be made for evidential purposes, is carried out as soon as possible."

After I made this request, MUTHURAMAN advised me that she did not know how to operate the CCTV system, but that her husband did. She then advised me that he was abroad, but would be returning late on Sunday 1st March 2015. We agreed that the CCTV would be made available by the morning of Tuesday 3rd March 2015, and for clarity, I wrote the details of what I required on a calling card, which I handed to MUTHURAMAN. The 3rd March 2015, was 19 days after the incident I was investigating, and the CCTV footage requested.

At 0945 hours on Tuesday 3rd March 2015 I was on uniformed duty when I attended The Boulevard Newsagents in company with ALO ROBINSON. I spoke to a male behind the counter, who I now know to be A [REDACTED] M [REDACTED] born [REDACTED], the husband of the DPS. He told me that the CCTV system was only recording for 20 days. If this was the case, as we were on the 20th day, the times I requested, should still have been available. He then told me that it was only available from the 13th February 2015. I asked him to contact the DPS on my behalf, and requested that she be available to speak to at 1200 midday at the premises.

At approximately 1145 hours the same day, myself and ALO ROBINSON returned to The Boulevard Newsagents. There I inspected the Premises Licence, and spoke to Jodhai MUTHURAMAN and asked her to confirm it was her that was listed on the licence as the DPS. She confirmed she was, and produced her personal licence to me as well. I said to her, "And you are fully aware of the conditions of your licence?" She turned to her husband, who was also present, and said something I did not hear, before turning back to me and saying "Oh yes. Yes". I confirmed her answer by saying "Are you sure?", and she immediately replied "Sure". I asked her "You are aware of everything on here and are complying with it?" She nodded her head, and then looked past me at a customer who was waiting. I asked the DPS about the CCTV, and she repeated what her husband had said. I asked to view the CCTV system, and was shown a control box on top of one of the chiller units at the rear of the store. A [REDACTED] M [REDACTED] then said that he would need to call an engineer to operate it for me. I told him that would not be required. I asked the DPS to show me where the "Challenge 25" posters were displayed. Both she and her husband went to the counter, and began looking underneath, and also in the office at the rear of the shop. I asked her if she had any on display, and her husband replied "No".

I then showed the DPS a bottle of 284ml Dragon Stout, which was on display and clearly exposed for sale, and asked her to tell me what strength it was. She inspected the bottle, and replied "7.5". I confirmed with her that was 7.5 % alcohol. I

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[REDACTED] (when complete) V.02

then asked her "Can you tell me the strength of this beer?" pointing to a 325ml bottle of Guinness Foreign Extra which was in the chiller cabinet, clearly exposed for sale. She picked it up and inspected it, and said "7.5".

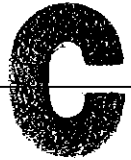
I was still in possession of the Premises Licence, and pointed out to the DPS, Condition 15 of Annex 2, which states "Suitable signage advertising the 'challenge 25' policy will be displayed in prominent locations in the premises." I then pointed out Condition 4 of Annex 2 which states "No beer, Jager or cider above 6% abv to be sold from the premises." I then pointed out condition 7 of Annex 2 which states, "CCTV Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown of system failure will be notified to the police on the non emergency contact number of the Licensing Officer and remedied as soon as practicable." I asked the DPS if she understood what I had pointed out to her, and that she was not complying with these conditions. MUTHURAMAN turned to her husband, and I in turn asked him to explain what I had pointed out, to her. Although she spoke English, it was clear that it was not her first language, and I wanted to ensure she fully understood what I was saying. MUTHURAMANs husband spoke to her in their own language, and after a few moments said words to the effect that they thought that the alcohol strength condition only related to cans of beer such as Tennents Super, and not to the bottled beers.

At 1202 hours the same day, I said to Jodhai MUTHURAMAN, "I am reporting you for the offences of carrying on and exposing alcohol for sale by retail in circumstances where the sale would be unauthorised licensable activity. That is that you have offered alcohol for sale in your shop firstly that is over the prescribed limit of 6% in breach of your conditions. That you don't have any Challenge 25 posters displayed, again in breach of your licence, and that you have failed upon reasonable request to provide me with CCTV for the 11th February, today being the 3rd March, by stating that your system only records 20 days, and not 28 days as required by law. Do you understand that? CAUTION." Again, I asked Mr MUTHURAMAN to explain what I had said. When he had finished speaking to her, I handed her a laminated card with the CAUTION typed out on it, and after confirming she could read English, I asked to read it. Once she had read the card, I asked her if she understood what I had reported her for. I asked if she wanted me to contact an Interpreter to confirm she understood, or if she was happy that her husband had explained everything to her. She replied to the effect that she was happy that her husband had explained everything to her.

I finally advised MUTHURAMAN that she would continue to commit offences if she continued to offer for sale, the beers I had pointed out, and that she needed to have the CCTV issue rectified. I also advised her that she needed to display the required "Challenge 25" posters, and told her where she could download them for free from the internet.

Premises Licence

(Licensing Act 2003 - Part A)

**CRAWLEY BOROUGH COUNCIL**Licensing Section, Town Hall, The Boulevard, Crawley,
West Sussex. RH10 1UZ
01293 438289**PREMISES LICENCE NUMBER****12/01161/LAPRE****Part 1 - Premises details****Postal address of premises, or if none, ordnance survey map reference or description**The Boulevard Newsagent
62 The Boulevard
Northgate**Post Town** Crawley **Post Code** RH10 1XH**Telephone number** Not Known**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 10:00 - 00:00**The opening hours of the premises****Standard days & timings:** Monday – Sunday 08:00 – 00:00 :**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**
Mrs Jothi Muthuraman**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

Mrs Jothi Muthuraman

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

10/00870/LAPER

State whether access to the premises by children is restricted or prohibited; Restricted

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.
(Conditions 4 to 6 effective from 6th April 2010 – Sch 4 Policing & Crime Act 2010)
4. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available
(Conditions 7 & 8 effective from 1st October 2010 – Sch 4 Policing & Crime Act 2010)
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

8. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.
9. (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.

Annex 2 – Conditions consistent with the Operating Schedule

1. Alcohol will not be sold to a person who appears to be drunk.
2. All staff will be trained in all aspects of the Licensing Act 2003.
3. No Supply of alcohol may be made under the premises licence (a) at anytime when there is no Designated Premises Supervisor in respect of the premises licence; (b) at anytime when the Designated Premises Supervisor does not hold a person licence or his personal licence is suspended.

(The following conditions were agreed between The Applicant and Sussex Police 13.08.12)
Prevention of Crime & Disorder

4. No beer, lager or cider above 6% abs to be sold from the premises
5. The premises will actively participate adhere to the local Stopwatch scheme, and will not sell alcohol to target street drinkers identified through the scheme.
6. CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System.
7. CCTV Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure will be notified to the police on the non emergency contact number or the Licensing Officer & remedied as soon as practicable.
8. The location and number of cameras to be agreed with the Licensing Unit at Horsham Police Station in advance of the premises opening and any changes thereafter.
9. It will be the responsibility of the DPS to ensure that any request from the police for a recording to be made for evidential purposes, is carried out as soon as possible.
10. Spirits will be stored and displayed behind the servery.
Prevention of Public Nuisance
11. The premises shall at all times maintain and operate a sales refusals book and an incident log which shall be reviewed by the Designated Premises Supervisor at intervals of no less than four (4) weeks and feedback given to staff as relevant.
12. The refusals book & incident log shall be available upon request to Police, Police Licensing Officers, Local Authority Staff and Trading Standards
Protection of children from harm
13. The only form of ID that will be accepted are passports, driving licences with a photograph or Portman Group, Citizen card or validate proof of age cards bearing the "PASS" mark hologram.
14. The premises will operate a minimum Challenge 25 policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age.
15. Suitable signage advertising the 'challenge 25' policy will be displayed in prominent locations in the premises.
16. 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 to licensing, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
17. Induction training must be completed, and fully documented, prior to the sale of alcohol by the staff member and age related sales refresher training thereafter at intervals of no less than eight (8) weeks.
18. All restricted sales training undertaken by staff members shall be fully documented and recorded.
19. All training records shall be made available to the Sussex Police and the local Trading Standards service upon request.
20. At all times the premises is open and undertaking licensable activity, members of staff must be able to communicate sufficiently to enable them to promote the four licensing objectives and the ability to make an effective challenge.

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.



Contact: Kate Bailey
Email: Kate.Bailey@Westsussex.gov.uk
Address: Directorate of Public Health, Health and Social Care Commissioning,
West Sussex County Council, 1st Floor, The Grange, Chichester,
West Sussex PO19 1QT
Ref: 12/01161/LAPRE

Alcohol & Gambling Licensing Section,
Town Hall,
Crawley,
West Sussex,
RH10 1UZ

17th April 2015,

Dear Sir/Madam,

Re: Application for the review of the premises license: The Boulevard Newsagents

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:

Boulevard Newsagents, 62 The Boulevard, West Sussex

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 sale of alcohol to a 16 year old and the sale of alcohol to someone who was visibly intoxicated.

West Sussex County Council (Directorate of Public Health, Health and Social Care Commissioning) are disappointed to learn about the underage sales of alcohol and the sale of alcohol to someone who was visibly intoxicated by Boulevard newsagents, we endorse the proposal recommended by Sussex Police.

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.

Central Sussex College is located less than one mile from Boulevard Newsagents (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 Kate Bailey

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>

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