

Crawley Borough Council

Minutes of Licensing Sub-Committee

Thursday, 22 June 2023 at 10.30 am

Councillors Present:

I T Irvine (Chair)

I Ashraf and B J Burgess

Officers Present:

Heather Girling

Democratic Services Officer

Warren Jones

Senior Licensing Officer

Kareen Plympton

Team Leader - Health, Safety and Licensing

Astrid Williams

Senior Lawyer (Solicitor)

Also in Attendance:

For the Applicant

Peter Aston – WSCC Trading Standards Team Manager

For the Responsible
Authority

Sophie Krousti – WSCC Public Health Lead for Alcohol

Holly Yandall – WSCC Public Health Lead for Tobacco
Control

For the Premises

Riafan Caseem Lebbe - Saad News Agent Ltd, Premises
Licence Holder and Designated Premises Supervisor

Surendra Panchal – Representative for Premises Licence
Holder

1. Appointment of Chair

RESOLVED

That Councillor I T Irvine be appointed Chair for the Hearing.

2. Disclosures of Interest

No disclosures of interests were made.

3. Application for the Review of a Premises Licence - Saad News, 8 Brighton Road, Crawley, RH10 6AA (Southgate Ward)

The Sub-Committee considered an application to review the Premises Licence held in respect of the premises Saad News Agent Ltd, 8 Brighton Road, Crawley, RH10 6AA (Southgate Ward).

Following the introduction of those present at the Hearing, the Senior Lawyer outlined the procedure for the Hearing, a copy of which had accompanied the documentation issued prior to the meeting. The Senior Lawyer informed all parties that the Sub-Committee had requested a pre-meeting with the Senior Lawyer and Democratic Services Officer prior to the commencement of the Sub-Committee, to confirm the procedure that would be followed during the Hearing. At that pre-meeting, the Sub-Committee had confirmed receipt of the supplementary agenda documents which had been circulated following publication of the main agenda. It was confirmed that the Sub-Committee had not asked for clarification of any aspect of the application or on the representations received from any party.

The Senior Lawyer then asked all parties present, if they wished to make any relevant applications, for example additional information or for an adjournment. No applications were made.

The Chair informed the meeting that although the application and other material circulated ahead of the meeting was exempt (Part B), it was the intention to hold the discussion in Open – Public Session (Part A).

Report HCS/061 of the Council's Head of Community Services was presented by the Health, Safety and Licensing Team Leader for Crawley Borough Council.

The Application

The Council's Health, Safety and Licensing Team Leader, informed the Sub-Committee that on 2 May 2023, WSCC Trading Standards had submitted an application to the Council as the Licensing Authority for the Borough of Crawley for a review of the Premises Licence in respect of Premises known as Saad News Agent Ltd, 8 Brighton Road, Crawley. The application was detailed in Appendix A to the report HSC/061 and sought a review on the grounds that the licence holder was not promoting the statutory Licensing Objectives of prevention of crime and disorder and protection of children from harm.

Trading Standards contended that the licensing objectives had been undermined by the Premises Licence Holder (PLH) and Designated Premises Supervisor, Mr Riafan Caseem Lebbe, following a test alcohol purchase failure, and had also failed to ensure the licensed premises was run in accordance with the conditions attached to the Premises Licence to appropriately deal with the management of the premises.

A copy of the Location Plan was attached as Appendix B to the report, along with the Premises Licence and Premises Layout Plan (Appendix C), and further evidence submitted from WSCC Trading Standards as Appendix D.

It was confirmed that the application had been advertised in accordance with legislation, and as a result of the consultation process, three relevant representations had been received. Further to the initial application for a review of the Premises Licence, additional evidence had been submitted by WSCC Public

Health (Appendix E to the report) supporting the review application by Trading Standards which sought a suspension of the Premises Licence and together with additional conditions as a means to promote the Licensing Objectives.

Also, further evidence had been submitted by Sussex Police (included within Appendix F to the report), which supported the review application and similarly recommended additional conditions. A representation had also been received from West Sussex Fire and Rescue Service (Appendix G) which advised that West Sussex Fire and Rescue Service had no representation or comments to make.

Mr Lebbe as the PLH had submitted a response to the Trading Standards application (Appendix H to the report), along with supporting evidence. This information had been issued as supplementary agenda items and had been circulated to all parties following publication of report HCS/061.

The Health, Safety and Licensing Team Leader then proceeded to inform the hearing of the options available to it in respect of the application and reminded the Sub-Committee that any decision must be appropriate for the promotion of the four licensing objectives. The options were to:

- (i) Modify the conditions of the premises licence (that is, adding new conditions or any alteration to or omission of existing conditions).
- (ii) Exclude a licensable activity from the scope of the premises licence.
- (iii) Remove the Designated Premises Supervisor (DPS).
- (iv) Suspend the licence for a period not exceeding three months.
- (v) Revoke the licence.

The Chair confirmed that the Sub-Committee had read all the documents published in relation to the review and the representations received.

Following the presentation from the Health, Safety and Licensing Team Leader there were no questions from any party in relation to the report.

The Applicant (Trading Standards)

Mr Peter Aston, (Trading Standards Team Manager), then addressed the Sub-Committee highlighting the concerns contained within the application for a review of the licence (Appendix A to the report) along with the further evidence (Appendix D). Mr Aston made the following submissions:

- Following Covid, there were concerns regarding the increase in intelligence that some businesses were taking advantage of the pandemic by selling a range of age-restricted products to children, which was not only harmful to children but also had an impact on legitimate businesses who complied with legislation. As a result, the decision was taken in January 2020 to implement a 'zero-tolerance' policy on alcohol in particular to children.
- Intelligence regarding underage sales of restricted products to children has continued to escalate and in 2021 West Sussex County Council commenced a 'crackdown' on underage sales following a test purchase operation resulting in 9 out of 16 premises selling alcohol and cigarettes to children.
- With regards to the underage sale conducted on the premises (Saad News Agent), in view of intelligence received, followed by the warnings and advice provided by Trading Standards, and the subsequent underage sale of alcohol it was believed that the Licence Holder was undermining the licensing objectives with regards to the prevention of crime and disorder and the protection of children from harm, as well as the Council's current Statement of Licensing Policy.

- The primary act of a review was to act as a deterrent to prevent further breaches.
- It was requested the Sub-Committee consider imposing the measures proposed by the Responsible Authorities. A suspension of the licence would send out a strong message across the town and county that where premises were found to be in breach of the licensing objectives, particularly regarding child protection matters, that sanctions were strongly administered.

Questions asked by the Sub-Committee of the Applicant (Trading Standards)

The Sub-Committee then asked the following questions of the Applicant:

| Questions by the Sub-Committee | Response <i>(Mr Peter Aston)</i> |
|---|--|
| Someone already complained about the sale to a 13/14-year-old, and they brought it to your attention and then Trading Standards visited the premises. Are you aware of any other misdemeanors or is that the only complaint you received? | I cannot provide you with the full history unfortunately but in terms of what triggered this licence review application we received one complaint. We act on each complaint or piece of intelligence we receive. |
| If you hadn't received that complaint, you would not have gone to review the premises? Do you go round and review premises regularly? | With regards to this, we act on the intelligence received, we visit the premises to provide robust advice and then follow up in writing. An appointment is made with the Licence Holder to ensure they are fully aware of the information and complaint received. They are also warned that Trading Standards will be undertaking a subsequent test purchase operation. |
| First time Trading Standards visit you provide advice and information. Is that standard procedure to receive advice and improvement areas first? | That is part of Trading Standards 'zero tolerance' policy. We set out how we look to address the significant problems in West Sussex and Crawley with regards to the selling of restricted products. We may receive allegations of children being sold vapes and if the shop also sells alcohol, we will carry out an advice visit and then this is followed up with a test purchase visit to check the procedures. This ensures the premises is compliant with all legislation and the Challenge 25 policy. |

Questions by Other Parties of the Applicant

WSCC Public Health did not have any questions for the applicant.

Questions by Other Parties (PLH) of the Applicant (WSCC Trading Standards)

Licence Holder’s Representative, Mr Panchal, then asked the following questions of the Applicant:

| Questions on behalf of the PLH (Mr Surendra Panchal) | Response (Mr Peter Aston) |
|---|---|
| It mentions in the report that in 2021 there was a crackdown of approximately 16 premises. Out of the 16, was Saad News Agent included? | No it was not. As mentioned, it was following Covid, and we have made extensive media coverage as a deterrent that it is not acceptable to sell alcohol to children. |
| Saad News Agent was not part of the visit because they were complying in that instance? | Trading Standards had not received any intelligence about Saad News at that point. |
| Trading Standards received intelligence in August 2022 do you have any evidence for that? | It is quite often anonymous information as it was in this case that Trading Standards then follows up. |
| There was a record kept of this intelligence and that would help us prove whether there was intelligence received or its just hearsay? | It is hearsay and that is the point of undertaking the visit to the premises. We cannot be 100% sure of the intelligence received. However that is the trigger for the visit and the substantial advice provided to the Licence Holder with regards to their obligations which was subsequently followed up in writing. The Licence Holder is informed that Trading Standards will conduct a test purchase operation. |
| So you were not sure that on 8 August 2022 underage sales took place or not? | Trading Standards receive intelligence from parents, other businesses that premises is undertaking underage sales of alcohol and we act upon that. |

Responsible Authority (WSCC Public Health)

The representatives for West Sussex County Council’s Public Health Department, Ms Sophie Krousti and Ms Holly Yandall were both in attendance. Ms Yandall addressed the Sub-Committee and made the following submissions:

- Appropriate action had not been taken by the premises, following initial intelligence received from Trading Standards and the advice visit which had resulted in a test purchase failure. This suggested the premises was not taking its responsibility seriously.
- Had the conditions on the premises licence been adhered to and the licensing objectives promoted, it was unlikely that the incident outlined in the report would have taken place. It was clear that the staff training, particularly regarding the Challenge 25 policy were inadequate.
- A recent national survey published 2022, which found that 40% of young people (11-15) surveyed had drunk alcohol, and these figures were likely to be broadly similarly across the county and the town.
- Each year in West Sussex, there were more than 65 alcohol specific hospital admissions in children, where the primary and secondary diagnosis was wholly

attributed to alcohol. This did not include broader ‘alcohol-related’ admissions (which was increasing).

- A key measure in preventing alcohol admissions was preventing the supply of alcohol to children. It was important that licensed premises promoted the licensing objectives.
- West Sussex Public Health supported the recommended actions and conditions proposed by the applicant in its application for review and those of Sussex Police. These would allow for full staff re-training and review of policies and procedures.

Questions asked by the Sub-Committee of Responsible Authority (WSCC Public Health)

The Sub-Committee then asked the following questions of WSCC Public Health:

| Questions by the Sub-Committee | Response <i>(Ms Holly Yandall)</i> |
|---|---|
| You mentioned there was a template for the Challenge 25, do we know if that was put into place at the premises? | My understanding is that the details of the Challenge 25 along with the refusal log template were provided by Trading Standards as set out in their representation. |
| You mentioned there was a growing trend of alcohol, are there any other trends that are causing concern? | As my colleague in Trading Standards has alluded to, we are concerned about sales of age restricted products to children more broadly. In my experience where we see underage sales of one restricted product and those procedures are not working, we also see other sales of age restricted products too. |

Questions by Other Parties of the Responsible Authority (WSCC Public Health)

WSCC Trading Standards did not have any questions for WSCC Public Health.

Questions by Other Parties (PLH) of the Responsible Authority (WSCC Public Health)

Licence Holder’s Representative, Mr Panchal, then asked the following questions of the Responsible Authority, WSCC Public Health:

| Questions on the behalf of the PLH <i>(Mr Surendra Panchal)</i> | Response <i>(Ms Holly Yandall)</i> |
|---|--|
| I’m concerned within the report it mentions that a 12–13-year-old was served alcohol. Yet there is no evidence for this. Is that correct within the report? | In the representation made by Trading Standards, I refer to the intelligence they received about the sale of alcohol to a 12–13-year-old. |
| But in the report, it mentions a 17-year-old so can that be rectified please? | Yes, but the understanding is that the initial intelligence received that caused them to undertake the visit, was that alcohol was sold to a 12–13-year-old child. Trading Standards visited the premises, provided advice and then followed up with a test purchase |

| Questions on the behalf of the PLH <i>(Mr Surendra Panchal)</i> | Response <i>(Ms Holly Yandall)</i> |
|--|--|
| | operation with a 17-year-old volunteer. |
| The guidance and Licensing Act states that a 17-year-old can sit in a pub or restaurant with a meal and can have wine or cider. | I am familiar with that part of the Licensing legislation, but I am also familiar with the part that states that alcohol must not be sold to a child under 18. |
| I am trying to clarify the report. When the report mentions a 12–13-year-old, but it was a 17-year-old. The intelligence is not confirmed yet. What is confirmed is the 17-year-old was sold alcohol. Do you still confirm that a 12–13-year-old was served? | My representation makes it clear we are referring to the intelligence by the Trading Standards department which is the catalyst for this process in the first place. As Mr Aston has already set out, Trading Standards can receive multiple reports regarding age restricted sales, and they cannot directly verify those if they are anonymous. The process is to go and visit that venue, provide the advice, guidance and support to that Licence Holder to have all the processes in place. There will be a follow up when there will have been ample time for those procedures to have been implemented, to conduct a test purchase to ensure everything is running as it should. That is the process that was followed in this case. Evidently there is still the sale of alcohol to a child. |
| We cannot verify in your report that alcohol was sold to a 12–13-year-old child within the report as it is hearsay. | In the story as to how we have reached here today we started with a concerned member of the community submitting a report to Trading Standards that 12–13-year-old had been sold alcohol. Regardless of that, we do have evidence that a 17-year-old child was sold alcohol which is still in breach of the licensing objectives. |

PLH (Mr Lebbe - Saad News Agent Ltd)

Mr Surendra Panchal of PLC Ltd, the representative for Mr Lebbe, PLH of Saad News Agent Ltd, addressed the Sub Committee and drew its attention to the representation submitted along with supporting evidence (Appendix H), and made the following submissions:

- The Licence Holder had many years' experience and stated since 2016 to-date had not personally breached the licence as he himself had not conducted any underage sales, as this one sale had been carried out by an employee.
- The Licence Holder actively carried out staff training with training statements being signed by staff and refusal logs had been maintained since 2016.
- The Licence Holder was concerned regarding the premises and the licensing objectives. Following the underage sale, the employee was questioned, and a

warning letter issued. Subsequently the member of staff's employment was terminated.

- The test purchase failure did not equate to 'two sales of alcohol within very quick succession of one another' nor 'persistent sales', under the Revised Guidance issued under section 182 of the Licensing Act 2003 (s11.29). There had been no further evidence of underage sales or further visits following the test purchase failure from the Responsible Authorities.
- The Licence Holder had the support of local community.
- The Licence Holder confidently promoted the licensing objectives and would support the conditions proposed by Sussex Police.

Questions asked by the Sub-Committee of the PLH

The Sub-Committee then asked the following questions of the PLH:

| Questions by the Sub-Committee | Response <i>(respondent in brackets)</i> |
|---|--|
| <p>We are here to discuss the underage sale of alcohol, which was witnessed and proved following an anonymous report, but are you saying that could have been a false report or are you admitting there was a report, because that came across that you were doubting the first incident that could have taken place.</p> | <p>On repeatedly asking Mr Lebbe and his staff, Mr Lebbe does not agree with the 8 August report because a proper policy was running at the premises. There is no evidence that you have and there is no CCTV to show that there was a sale. No sale occurred according to Mr Lebbe. Mr Lebbe cannot prove that a sale occurred. (Mr Panchal)</p> |
| <p>So the CCTV camera was not operational?</p> | <p>The CCTV was operating but the employee could not download the CCTV. (Mr Panchal).</p> <p>With regards to the Trading Standards visit, they came in and talked to my staff. Then they called over the phone, and we spoke, and they informed me they were going to carry out another visit. I asked if there anything further was required. CCTV is held for 31 days by law. I dispute the report as I have a child and as you can see by my record, I follow all the training for my staff and have the logs. (Mr Lebbe)</p> |
| <p>I was wondering if someone could have reported it maliciously. However, we are talking about underage sale to a 17-year-old. Did you put into place all the suggestions by Trading Standards, for example Challenge 25?</p> | <p>Challenge 25 has been in place and followed since 2015 as Mr Lebbe understands the policies in place, along with the training manual and refusal log. (Mr Panchal)</p> |
| <p>If the procedures and policies are in place and operating how come sales were made to an underage person?</p> | <p>Mr Lebbe was very concerned that the sale was conducted by a member of staff. Mr Lebbe carried out training but unfortunately the employee made a mistake, a warning letter was issued,</p> |

| Questions by the Sub-Committee | Response <i>(respondent in brackets)</i> |
|---|---|
| | and the member of staff has had their employment terminated. (Mr Panchal) |
| Do you have any competitors around locally? | There is a shop nearby round the corner. (Mr Lebbe) |
| Mr Panchal, I think you said earlier in your presentation that you weren't entirely sure why you and Mr Lebbe were here today. Trading Standards found that the premises sold alcohol to an underage person and that is a very serious offence. | I am not disputing that it is serious but my reason for saying that was that we have fully co-operated with the responsible authorities and acted following the sale. Necessary actions have been put in place. (Mr Panchal) |
| With regards to the refusal log, I cannot see anything after 2019. It goes from 2016-2019. | If you would like the logs from 2019 these are available. We have just submitted up to 2019. (Mr Panchal) |
| I would expect you would submit logs for the period under question and officers have stated that the log book was not there at the time so it would be expected for those to be submitted. | The refusal logs are available from 2019 onwards. (Mr Panchal) |

Following Legal advice provided by the Senior Lawyer, the Sub-Committee and all parties agreed to examine the additional refusal logs documentation (consisting of loose pages), which was made available to all parties by Mr Panchal.

Questions asked by the Licensing Authority of the PLH

The Licensing Authority, then asked the following questions of the PLH:

| Questions by the Licensing Authority <i>(Health, Safety and Licensing Team Leader)</i> | Response <i>(respondent in brackets)</i> |
|--|---|
| I am concerned by the sales refusal logs that have been provided. The original evidence only included up until 2019. Why was not the additional refusal log documentation just seen submitted as part of the original evidence? | It was an error in the scanning as it was in my bundle but not in the completed batch to be scanned and for that I apologise. (Mr Panchal). |
| The refusal log from 2019-2021 refers to Chesterfield Borough Council and the name of the premises is blank, so I am confused as to whether this refusal log does refer to this premises at all. Additionally the most recent refusal register provided through to Trading Standards does show some refusals between 10 May 2023 – 18 May 2023, after the incident had occurred and the review proceedings had been initiated. A | The refusal log was downloaded from the internet and is a template. I did not put a shop name on it as it has been kept within my premises. (Mr Lebbe) |

| Questions by the Licensing Authority <i>(Health, Safety and Licensing Team Leader)</i> | Response <i>(respondent in brackets)</i> |
|--|--|
| refusal log needs to relate to a particular premises. | |
| The training records provided primarily relate to training undertaken on 10 May. Was there training undertaken after the first warning by Trading Standards when they were acting on intelligence? | The training for the individual who conducted the sales had training undertaken in January 2023. (Mr Lebbe) |
| Conditions have been suggested by WSCC Public Health today and you have submitted some information with regards to proposed conditions. Sussex Police have also submitted conditions. Do you agree to the conditions submitted by Sussex Police? | We looked at the conditions suggested by Sussex Police, and we looked to amalgamate them, but we are happy with any conditions that the Sub Committee wish to apply or edit. (Mr Panchal) |

Questions asked by the Applicant (Trading Standards) of the PLH

Mr Peter Aston, the Applicant's representative, then asked the following questions of the PLH:

| Questions by the Applicant <i>(Mr Peter Aston)</i> | Response <i>(respondent in brackets)</i> |
|---|--|
| At the beginning of your presentation, you mentioned that Mr Lebbe had never breached his licence. However on the visit on 31 August the refusal books were not present during the visit. Do you accept that? | I spoke to the person over the phone, but I strongly disagree. I was working at the premises and the refusal book was there but mistakenly kept under some paperwork and receipts, so members of staff were unable to find it. (Mr Lebbe) |
| Your representative has commented regarding the alleged visit of the 12-13 year olds on 8 August. Did you check the CCTV for that day? | I was working that day and did not make the sales. (Mr Lebbe) |
| You could have reviewed that CCTV footage of 8 August and presented it to the responsible authority that you had not made a sale on 8 August? | The letter was received more than a month later. (Mr Lebbe) |

WSCC Public Health did not have any questions for the PLH.

Closing Statement by the Applicant (Trading Standards)

Mr Peter Aston, the Applicant's representative, made the following points in their closing statement:

- Trading Standards did not have confidence that the licensing objectives were or will be promoted by the continuation of licensable activities at the premises.
- It was felt there was a lack of action in terms of addressing the policies and training of staff.
- A suspension of the premises alcohol licence for 3 months would allow for re-training of staff and a deterrent.

Closing Statement by the Responsible Authority (WSCC Public Health)

Ms Holly Yandall made the following points in their closing statement:

- The sale of alcohol to children is incredibly harmful.
- The current training policies and procedures whilst in place were inadequate and improvements were required.

Closing Statement by the PLH

Mr Surendra Panchal, on behalf of Mr Lebbe, made the following points in their closing statement:

- There was concern that the underage sale occurred. But swift action had been taken by the Licence Holder in order to continue to promote the Licensing Objectives.
- The Licence Holder would endorse the conditions submitted by Sussex Police and any by the Sub Committee.

4. Exempt Information – Exclusion of the Public

RESOLVED

In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the following part of the hearing. The Sub-Committee considered that the public interest in taking such action outweighed the public interest in the hearing taking place in public.

5. Application to Review the Premises Licence - Saad News Agent Ltd, 8 Brighton Road, Crawley, RH10 6AA (Southgate Ward)

The Sub-Committee gave further consideration to the application, to the matters raised at the hearing. In formulating its decision, the Sub-Committee took into account the options that were available to it and considered what was appropriate to ensure that the licensing objectives were promoted.

RESOLVED

The Sub-Committee, having considered the application and the relevant representations in detail, resolved to take the actions detailed in **Appendix 1** to these minutes for the reasons set out therein.

Re-admission of the Public

The Chair declared the hearing re-open for consideration of business in public session.

6. Application to Review the Premises Licence - Saad News Agent Ltd, Crawley, (Southgate Ward)

The Senior Lawyer informed those present of the legal advice she had provided during the Sub-Committee's deliberations, which was to remind the Sub-Committee of the steps available to them and that in coming to their decision they must have regard to the statutory guidance and the Council's policy.

The Chair on behalf of the Sub-Committee, read out the Sub-Committee's decision and reasons as detailed in **Appendix 1** to these minutes. It was also announced that all parties would receive a copy of the decision notice within five days of the Hearing.

Closure of Meeting

With the business of the Licensing Sub-Committee concluded, the Chair declared the meeting closed at 2.55 pm

I T Irvine (Chair)

Decision of the Licensing Sub-Committee sitting at Crawley Borough Council in relation to the application under section 51 the Licensing Act 2003 for a review of the premises licence held by Mr Rifan Caseem Lebbe in effect for the premises Saad Newsagents, 8 Brighton Road Southgate Crawley West Sussex RH10 6AA

1. The Sub-Committee listened carefully to the submissions made by the representative for the applicant for the review, Trading Standards, the representative for Public Health the representative for the Licence Holder, and the Licence Holder himself.
2. In coming to its determination, the material and documentation the sub-committee took into account included:
 - 2.1 the evidence given and the representations made on behalf of all parties;
 - 2.2 the requirements of the Licensing Act 2003;
 - 2.3 the section 182 Statutory Guidance (December 2022); and
 - 2.4 Crawley Borough Council Licensing Policy.

Observations and findings by the Sub-Committee:

3. This case involved an undisputed sale of alcohol to a child in February 2023 by a member of staff employed at the time at the premises.
4. The context of the review application was the zero tolerance policy by Trading Standards of sales of age-restricted items to children. Trading Standards explained that their policy was to follow up on each piece of intelligence of this nature, such as anonymous complaints, with a subsequent visit to the premises where advice is given with supporting material, and followed by written advice and a warning that checks will follow, such as test purchases.

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5. This is what occurred in this case. Trading Standards, following the receipt of intelligence of an alleged sale of alcohol to a child in August 2022, spoke with the Licence Holder by telephone, then attended in August during which the staff member was unable to find the refusals book. At the visit Trading Standards provided templates along with Challenge 25 posters. On 31 August 2022 there was a follow up letter of advice, which included information about how to show due diligence, staff training, refusals logs, signage and CCTV, and provided a weblink to further advice. The letter warned that there would be a test purchase and if it failed, the licence could be revoked.
6. The Licence Holder explained at the hearing that the refusals book had been at the premises but under paperwork/receipts. At the hearing additional pages of the refusals book (sheets) were provided and shown to the sub-committee and all who were present, as the pages submitted ahead of the hearing went only up to 2019.
7. Despite the Licence Holder assuring the sub-committee that there were robust procedures in place at the premises and that all staff were trained, including the staff member who sold the alcohol to the 17 year old on 8 February 2023, the sub-committee's view was that there were clearly shortfalls in the systems and procedures at the premises, including the training of staff.
8. The sub-committee took the view that the licence holder's keeping of the refusals book did not demonstrate a diligent approach to complying with that existing licensing condition. The additional pages, being the original records, produced and inspected at the hearing were shabby loose pieces of paper with no identifying mark as to the premises. The committee noted the Licence Holder's own admission that the refusals book had been lost under receipts when officers had sought to inspect it in August 2022.
9. In addition, although the sub-committee noted that the staff member who sold the alcohol to a child was a new member of staff and was also recently from abroad, they took the view that to sell alcohol to a child so shortly after being trained and in a premises where the licence holder asserted that a Challenge 25 policy was actively used, in fact indicated that the training and supervision given was inadequate and the Challenge 25 policy was not properly implemented.

10. The sub-committee however welcomed the Licence Holder's willingness for the additional conditions proposed by Sussex Police and West Sussex Public Health to be added to the licence, and also welcomed his stated commitment to robustly promote the 4 licensing objectives.
11. The sub-committee also noted the Licence Holder's submissions included that this was not a case which fell within the scope of paragraph 11.29 of the guidance, as there was only evidence of 1 sale of alcohol to a child, and so agreed with the Licence Holder that the appropriate steps in this case did not include revoking the premises licence.
12. They did, however, agree with the responsible authorities' representations that the licence ought to be suspended for a period of 3 months to enable the implementation of the new conditions, in particular the training of staff and new procedures.
13. The decision of the sub-committee was that they considered the following were the appropriate steps to take to promote the licensing objectives:
 - 13.1 **To modify the conditions of the licence** as set out below.
 - 13.2 **To suspend** the premises licence for 3 months.

Modifications to conditions

All existing conditions in Annex 2 are to be removed from the licence.

The following conditions are added to the licence:

1. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation. The following will also apply:
 - 1.1 The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

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- 1.2 CCTV footage will be stored for a minimum of 31 days.
 - 1.3 CCTV will record all alcohol displayed in the premises.
 - 1.4 The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
 - 1.5 The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. The time will be amended promptly when British Summer Time starts and ends.
 - 1.6 Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police. The CCTV system will have internet connectivity, in order to facilitate the uploading of requested footage to Sussex Police Digital media systems.
 - 1.7 Any breakdown or system failure will be notified to the Police Licensing Department immediately (and retain documentary evidence in the form of an acknowledgement or receipt that this has been done) & remedied as soon as practicable.
 - 1.8 In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
2. All off sales of alcohol will be made in sealed containers.
 3. Spirits will be stored and displayed behind the server/service counter out of the reach of the public.

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4. Surplus alcohol stock, not for immediate sale, shall be securely stored away from the shop floor in an area where the public have no access.
5. The premises will operate a “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. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the “PASS” mark hologram, official photographic identity cards issued by EU states bearing a hologram or ultraviolet feature.
6. Suitable and sufficient signage advertising the “Challenge 25” policy will be displayed in prominent locations in the premises, including the point of sale and the area where the alcohol is displayed.
7. The Premises Licence Holder shall ensure that all staff members (including family members, friends and all temporary staff) engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:
 - 7.1 the lawful selling of age restricted products
 - 7.2 refusing the sale of alcohol to a person who is drunk
8. Individual members of staff should receive refresher training on the Challenge 25 policy every 3 months.
9. All such training and refresher training undertaken by staff members shall be fully documented and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

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10. The premises shall at all times maintain and operate an incident log and refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor (with the date and time of each review documented) at intervals of no less than 4 weeks and feedback given to staff as relevant. The incident log and refusals recording system will be kept at the premises and made available to officers of any responsible authority upon request. All incidents recorded in the incident log and refusals recording system will be retained on the premises for a minimum of twenty-four months.
11. Feedback will be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.
12. A list of staff members who are authorised to sell alcohol on the premises will be kept. This shall be endorsed by the DPS with the date of such authorisation commences.

The following conditions relate to any alcohol delivery service:

13. Alcohol deliveries will only be made to a residential or business address and not to a public place.
14. The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.
15. At the time the order is placed a declaration will be required from the person placing the order that that person is aged 18 years or over, and that the intended recipient are over 18 years or over. This process will be documented, (tick box before

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proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.

16. For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.
17. For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.
18. Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:
 - 18.1 only employs delivery employees or agents aged 18 and over;
 - 18.2 is aware that alcohol is included in the delivery;
 - 18.3 that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over;
 - 18.4 that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.

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