

9 October 2023

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## PLEASE NOTE START TIME OF MEETING

Dear Councillor,

A meeting of **LIQUOR LICENSING PANEL** will be held in the **COUNCIL CHAMBER** on **TUESDAY, 17TH OCTOBER, 2023 at 10.00 am** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

### A G E N D A

#### Pages

1. To receive apologies for absence.
2. To receive Declarations of Interests from Members in respect of any matter on the Agenda.

The procedure the Licensing Panel will follow in considering the application is set out in the Licensing Act 2003, its attendant Regulations and was agreed by the Licensing Committee on 2nd February 2005. The Licensing Panel, in accordance with rule 14 of the Licensing Act 2003 (Hearings) Regulations 2005 decide to exclude the public from all or part of the hearing where the Licensing Panel considers that it is in the public interest to do so.

3. To be Agreed by General Affirmation the Minutes of the Previous Meetings held on 15 September and 22 September 2023. **3 - 34**
4. Application to Review Premises Licence - Licensing Act 2003. **35 - 148**

## Human Rights Act Implications

### Licensing Act 2003

A licensing authority must carry out its function under the Licensing Act 2003 with a view of promoting the licensing objectives.

The Licensing objectives are:-

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

In carrying out its licensing functions a licensing authority must also have regard to:-

- (a) its licensing statement published under Section 5 of the Licensing Act 2003 (this may be viewed on the Mid Sussex District Council website);

and

- (b) any guidance issued by the Secretary of State under Section 182 of the Licensing Act (this may be viewed on the Department for Culture, Media and Sport website).

Members are asked to consider the human rights implications for both the licensee who has rights under Article 1 of the First Protocol, the Right to Property (which includes the licence):and the objectors who have rights under Article 8 to Respect for Private and Family Life, and Article 1 of the First Protocol, their right to enjoy peaceful use of their possessions.

To: **Members of Liquor Licensing Panel:** Councillors J Henwood, A Eves and M Kennedy

**Minutes of a meeting of Mid Sussex District Council Liquor Licensing Panel  
held on Friday, 15th September, 2023  
from 10.00 am**

**Present:** Councillors: L Farren  
J Mockford  
C Wood

**Officers in attendance:** Nathan Mountney, Solicitor to the Council  
Jon Bryant, Senior Licensing Officer  
Lucy Corrie, Assistant Director Communities,  
Alison Hammond, Democratic Services Officer

**Also in attendance:** Trevor Stenning, Licence Holder,  
Ian Rispin, Chairman of the Social Club  
Marianne Butler – Interested Party  
Mandy Cuss – Interested Party  
Nicolas Bennett – Senior Environmental Health Officer  
Lucinda Joyce, Senior Democratic Services Officer  
Ellen Fisher, Democratic Services Officer  
Terry Stanley, Head of Democratic Services

The panel and officers were introduced to the applicants and Responsible Authority.

**LS.1 TO RECEIVE APOLOGIES FOR ABSENCE.**

None.

**LS.2 TO RECEIVE DECLARATIONS OF INTERESTS FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.**

None.

**LS.3 TO BE AGREED BY GENERAL AFFIRMATION THE MINUTES OF THE PREVIOUS MEETING HELD ON 8 AUGUST 2023.**

The Solicitor confirmed that the minutes of the meeting held on 8 August 2023 were a correct record. The Panel agreed and the minutes were signed by the Chairman.

**LS.4 APPLICATION TO VARY A PREMISES LICENCE - LICENSING ACT 2003.**

Introduction and outline of the report

Jon Bryant, Senior Licensing Officer introduced the report to determine an application to vary a Premises Licence.

He noted that an application, pursuant to Section 34 of the Licensing Act 2003, has been made by Mr Trevor Stenning on behalf Handcross Social Club to vary a Premises Licence at Handcross Social Club, High Street, Handcross, West Sussex RH17 6BJ. Representations against the application have been made by a Responsible Authority, the Environmental Protection Team at Mid Sussex District Council (MSDC), and five Interested Parties on the grounds of Prevention of Crime

and Disorder, Prevention of Public Nuisance, Promotion of Public Safety and the Protection of Children from harm.

The substance of the variation application is to amend the name of the site, remove two current licence conditions and extend the times for the Performance of Live Music, the times for the Performance of Recorded Music, the times for the sale by retail of alcohol and the opening hours.

The Panel was asked to determine the application in accordance with the Licensing Act 2003, MSDC Licensing Policy and the Home Office Guidance issued under Section 182 of the Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.

Handcross Social Club operate from premises off the High Street, Handcross and are the holders of a Premises Licence issued under Licence number PWA0361. The Licence has been issued since 5th August 2009. Prior to this time the Club was licensed under a Club Premises Certificate which was previously revoked.

The report sets out the activities which the Social Club are licenced for including the licensable activity and timings, with further non standards timings related to Christmas and New Year. The report also sets out the alcohol sale times and a number of mandatory conditions.

He noted that the application before the Panel is to change the name of the site from Handcross Social Club to Handcross Club, to remove two existing conditions and to amend the times for the existing licensable activities and the current opening hours.

The applied for variations to the current licence are detailed below:

- a) Amend name of site as follows:  
Delete 'Handcross Social Club '  
Replace with 'Handcross Club'
- b) Amend timings for Live Music  
Tuesday – Thursday 11:00 – 00:30  
Friday – Saturday 19:00 – 00:30
- c) Amend timings for Recorded Music  
Everyday 11:00 – 00:30
- d) Amend timings for Performance of Dance  
Everyday 11:00 – 00:30
- e) Amend timings Sale by retail of alcohol  
Monday to Saturday 11:00 – 00:30  
Sunday 12:00 – 00:00
- f) Amend Opening Hours  
Monday to Saturday 11:00 – 01:00  
Sunday 12:00 – 00:00

The application wishes to remove the following conditions:

Existing Club Rules to remain in force. The Officer highlighted that the Club used to be licenced under a club licence and this condition rolled over from that time.

The premises shall be closed and cleared of customers by 23:30 hours, Monday - Saturday and 23:00 hours on Sundays.

It should be noted by the Panel that the application also requested the removal of the condition stating Customers who go outside to smoke shall not be permitted to take drinks outside. This amendment has been withdrawn by the applicant during the consultation period and is not under consideration.

The application is appended to this report at Appendix 1 with the current premises licence at Appendix 2. The site plan, pictures of the premises, and the Premises Licence plan are at Appendix 3.

Representations have been received from a Responsible Authority, the Environmental Protection Team at MSDC, and five members of public, referred to as an Interested Parties within the Act. These representations have been made regarding all of the Licensing Objectives.

Representations made by the Police to some of the amendments to the current licence conditions have been resolved during the consultation period. If the Panel decides to grant the licence variation, either in full or part, the Officer requested that in addition to any other conditions felt necessary and proportionate by the Panel the amended and additional conditions agreed between the Police and applicant be attached to the varied licence.

Full details of these conditions are attached in Appendix 4.

The application was advertised at the site between 18th July 2023 to 28th August 2023 and published in the local newspaper on 3rd August 2023.

The Officer noted that the Environmental Protection Team make representations in respect of the Licensing Objective of the Prevention of a Public Nuisance. Mr Bennett is in attendance to provide further detail and answer any questions.

The Environmental Protection Team state that they have no objection to the principle of varying the hours but have serious concerns regarding the actual hours applied for and make the following comments:

“Representations from residents have been received, raising issues including loud talking, laughing and socialising as concerns, particularly if late at night, as well as possible ASB. We know, from having dealt with numerous complaints of this type of noise, that it can be very intrusive, causing annoyance and anxiety and is likely to disturb sleep if at night. It is established that alcohol consumption reduces inhibition, and often leads to louder voices and more boisterous social interaction. Nonetheless, we want to support local businesses where possible and it should be noted that I can find no record of previous noise complaints on the EP database. I understand that there has been one complaint to our Licensing team regarding noise, in April 2023. The club denied that it was their customers that were responsible.

Balancing the rights of neighbours to a reasonable level of peace and quiet, as well as the right to a good night's sleep, against the social and economic benefits of licensed premises is often a complex task, one where both sides are rarely satisfied and often neither are.”

With regard to the specific changes, they set out a number of proposals which were sent out to the applicants and he will allow Mr Bennett to comment on these in due course.

The Environmental Protection Team did propose that if the Handcross Club amended the application so that the times for licensable activities between Sunday and Thursday remained as on the existing licence, and the times for licensable activities on Friday, Saturday and any Sunday followed by a bank holiday Monday were amended to recorded music until 00.30 hrs, sale of alcohol until 00.00 hrs and opening until 00.30 hrs, they would be able to resolve and withdraw their representation. This proposal was not accepted.

With regards to Interested Party Representations the Officer noted that three are not present and therefore their representations will be read out in full. There is however no opportunity to ask questions on these representations.

Gail Boustead has made representations on the grounds of the Prevention of a Public Nuisance. These are attached at Appendix 6. The representation states:

“My property backs on to Handcross Club and I have concerns about the noise that may be generated by the extended hours being requested Monday to Friday and on Sunday. I feel they should keep to "normal" licencing hours of 11am to 11pm certainly on Mondays through to Thursdays and on Sundays. I would be accepting of extended hours on a Friday and Saturday but not during the week. My bedroom is to the rear of the property and I am aware of any noise coming from the Club late at night. I do not feel there is a call for such hours in the village at the moment. I do not understand how they feel the need to make such an application when the hours they are currently open for are limited to normally on a Friday evening, a couple of hours mid-day on Saturday and Sundays and Saturday night; they might be open on other nights during the week but I don't think it is every night. Basically, my objection is on the grounds of possible excessive noise on leaving late at night.”

The Officer confirmed that the Police Conditions were forwarded to Ms Boustead. She replied that she had no objections to the Police conditions but still objected to the extended hours between Monday and Thursday.

Elizabeth Scott has made representations on the grounds of the Prevention of a Public Nuisance. These are attached at Appendix 7.

The representation states that her rental property is next door to the club. She has lived at the property since April and during that time has twice had cause to complain to the club regarding noise of people outside the club making a noise smoking, talking and drinking until 1 or 2am. She states that she has also been sworn at when she has asked for the people outside to be quiet.

She states that with the extended hours she feels that she would not be able to get a decent night sleep due to the noise of people smoking and drinking outside late at night.

The Officer confirmed that the Police Conditions were forwarded to Ms Scott. She acknowledged receipt but stated that she was still confused on how noise levels will be addressed when the licensing hours may or may not be extended. She stated that she is affected more than most “...I as I am right next door to the club. People who smoke stare straight into my garden area. If the wind is in the right direction then I am breathing in their smoke which wafts into my space. Why they can't smoke further

way from the building I have no idea. I have never been able to have an early night Friday or Saturday night as the licensing hours as they stand mean my dogs will bark hearing people leaving. What it will be on extended hours, I dread to think. I suppose if I want an early night I will have to stay somewhere else at my own expense.”

In response to attendance at the panel she replied “Thank you for your email. Whatever the outcome may be I have decided to move as constant sleep disruption is not how I like to live. I hope whoever rents after myself will benefit from the complaints and a satisfactory result will be decided for all concerned.”

Marianne Butler has made representations under all four of the licensing objectives. These are attached at Appendix 8. The representation states in general:

“This licensed premises has residential houses very close to its perimeter walls on three sides. It has been a noisy site in the past, customers making a noise inside and outside and I have complained to the Council about this several times in the last few years. More recently since 21st April there have been two incidents of excessive noise at 1am and one at 2am which also involved foul language directed at a resident when they were asked to keep the noise down. It is concerning that they are seeking to vary their licence to sell alcohol and have live and recorded music until half past midnight every night apart from midnight on a Sunday. This will create noise in a quiet neighbourhood.”

The representation then addresses the application in relation to the application of the four licensing objectives. It states in detail that the measures outlined to promote the objectives within the application are confusing and do not address how they will be promoted.

It draws the Panel’s attention to the Mid Sussex District Council Licensing Policy in respect of granting permission for the use of outside areas beyond 23:00 hours and makes comment that there are no exceptional circumstances outlined within the application.

The Officer noted that he didn’t believe that the applicant intended to use the outside areas outside 23:00 but that the applicant could clarify this.

Continuing the representation, the Officer noted that in respect of the Prevention of a Public Nuisance the representation states:

“An increase in the times for Live and Recorded Music until half past midnight when the ambient noise levels in the neighbourhood are very low has the very real potential to cause a public nuisance. This is especially highlighted here as the applicants have not addressed how they intend to prevent a Public Nuisance from taking place let alone preventing noise escape from the site.”

The representation concludes with the following:

“This application seeks to allow the premises, subject of a number of complaints about it and it’s customers behaviour, an extra 90 minutes (60 on Sundays) for the sale of Alcohol and provision of entertainment by Live and Recorded Music. The application is poorly drafted, confusing and does not offer any detail to indicate how the owners will promote the Licensing Objectives should the variation be granted.”

The representation asks that the Panel do not allow the applicant to extend their opening hours and that the Panel ensures they comply with their current licensing

conditions as they have clearly not been doing so to date. The Officer noted that the representation in full is set out in the report at Appendix 8.

Michael and Sara Atkinson have made representations on the grounds of Prevention of a Public Nuisance and the Prevention of Crime and Disorder. These representations are attached at Appendix 9.

They state that the club is at the bottom of their garden and that over the past few years the club has been well run and hasn't caused them any nuisance or cause to complain.

They are concerned about the extension of the licence to allow activities into the early morning. In particular they state:

"As mentioned above, the club has been run well over the last few years and is a good village community amenity, whereas a few years ago when, presumably, it had a late licence, there were numerous problems with noise at late hours and, often, the police had to attend because of public disorder when people were exiting the premises.

It would be a great shame to see the club transformed from a valuable village/local asset to a late night drinking venue/late night music venue probably attracting customers from a greater catchment area.

We consider that we are close enough to the club to be severely disturbed if the licence is changed and therefore wish to lodge an objection, but we do wish to be able to continue to support the club in its current format, which we consider to be appropriate for its present setting in the middle of a number of private houses."

Mandy Cuss has made representations under all four of the licensing objectives. These are attached at Appendix 10. She has asked Marianne Butler to speak on her behalf. The representation states:

"With regard to the application for variation of licensing of the Handcross social club, please know that I object on all fronts. I have a family of five with three teenagers; we have lived right next door to the premises for nine years. There have been many occasions over the years in which we've been disturbed throughout the evenings and well into the wee hours of the morning with loud people, fighting, drunken behaviour and cars revving.

Handcross is a small village. My husband was born here. We moved here with our Children to provide a safe and wholesome environment in which to grow up. Our neighbourhood houses 16 children under the age of 18. Listening to drunk people fight and carry on whilst smoking and partying outside their bedroom windows late at night all week goes against this and is incredibly disruptive to the resting and sleeping patterns of children and adults alike.

Why does a small village need a social club seven days a week into late hours for drinking, essentially a bar-type environment? It's essentially an application for a nightclub in a small, quiet village. We value the contributions a club can add to a community, but this variation goes against the well-being of the community with the addition of increased alcohol consumption and loud music, general disorder and increased likelihood of disruption to residents."

In respect of the Determination of Application for the Variation of a Premises Licence the Panel must determine the application in accordance with the Licensing Act 2003



(LA03), MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003, whilst having due regard to the applicant's submissions, relevant representations, and the Hearing Procedure under which the panel operates.

The Officer noted that the report sets out sections 34 and 35 of the Licensing act which relate to variation of licences and the Solicitor can answer any questions on this area.

### Relevant Representations

The Officer confirmed that the Licensing Act 2003 requires representations to address the four Licensing Objectives which are:

1. Prevention of Crime and Disorder
2. Promotion of Public Safety
3. Prevention of Public Nuisance
4. Prevention of Harm to children and young persons

A representation is a 'relevant representation' if it is about the likely effect of the grant of the licence on the promotion of the licensing objectives. The objector must establish that such a consequence is a likely effect of a grant - (i.e., more probable than not).

In report is detailed some of the Guidance Issued Under Section 182 of the Licensing Act 2003: pertinent to this application.

Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious. Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. The report provides an example of one that is relevant and one that is not. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives.

For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

He noted that the current premises licence is not under review. The Panel should be concerned with the application and not the licence as it stands at the moment.

It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival

businesses or businesses and neighbours. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

Guidance goes on to state that It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. In this case the Environmental Protection Team are the Panel's main source of advice in respect of the prevention of a public nuisance.

Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

As a matter of practice, the panel should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- Guidance issued under Section 182 Licensing Act 2003;
- its own statement of licensing policy.

The Officer noted that the report sets out the relevant parts of the policy, and he detailed the appendices which are included.

#### Questions to the Senior Licensing Officer

There were no questions to the Senior Licencing Officer.

#### Licence Holder

Mr Stenning confirmed that the application is for an extended licence. The reason being that at 23:00 quite a few regulars are still in the Club so he believes it is only right to extend the hours. He stated that they aren't intending to stay open after 00:00hrs but the reason they are asking to stay longer is that if people object to them being open longer then they have the situation in hand (i.e. they are closing at 00:00, not staying open until 01:00, which is just for their own protection.)

Mr Rispin detailed the clubs which run on specific evenings and confirmed that the club is open every evening. He felt that the Interested Party couldn't tell when they were open as they are so quiet. He noted that on several occasions the darts tournament has overrun and at the most recent one the club had to scrap the game and forfeit the match because they couldn't go on later than 23:30. He noted that they don't require the later licence for use every night, but that it is better to have it and not need it, than need it and not have it. He referenced other examples of charity events that had overrun, noting one example where it was the cleaner who was still there, not that they were selling drinks. He confirmed that the intention is not to break any laws and that they want to avoid people complaining if events overrun. He also noted that none of the Interested parties had approached them prior to this meeting.

#### Questions to the Licence Holder

Ms Butler asked how many events they were anticipating holding annually. Mr Rispin confirmed 5-6 Karaoke sessions, 2 race nights and potentially other events as people hire the club for weddings and birthdays, for which he currently applies for a late licence. He would be guessing as to the numbers this may represent.

Ms Butler sought clarification if this would be more than 21 events per year and asked if Mr Rispin had read the Mid Sussex District Council Alcohol Licencing Policy. Mr Rispin confirmed that he had many years ago but "cannot remember a single word of it."

The Panel asked how easy it is to get a temporary events license for a special event, to which Mr Rispin replied 'a week to 2 weeks, £22 per application if you know the event is coming up.' Mr Stenning also responded that the last time they applied for a late licence was 3 years ago. He felt that the reference to 21 events per year was irrelevant as they have one or two and they don't propose to have a late licence every day or month.

The Panel sought confirmation on where smokers congregate. Mr Rispin confirmed that for the past 40 years it has been just outside the front door, but that he was amenable to moving it around the side of the building. He also confirmed that he has given consideration to a covered area and could put a cover up if required. Mr Stenning reiterated that people could smoke on the patio area.

The Panel asked what guarantees could be given by the applicant that they wouldn't have late night drinking on a regular basis. Mr Rispin responded by giving examples of other licenced premises and confirmed that the Club just require the extension of hours as a failsafe as things sometimes overrun. He confirmed that he is keen to keep the Club open to help the community, citing fundraising events and potentially a new children's club to provide things in the village as everything is closing down. Mr Stenning reiterated that the later hours is to cover them should anything overrun and the intention is not to have late night drinking, noting that 'we want to have a nice club where regulars come for a drink and go home. Midnight will be everyone's last drinks, out by half past 12.'

The Panel asked if the Parish Council had received any complaints, noting it was referenced in the Interested Party representations. Mr Stenning stated that as far as he was aware they had not.

Nicholas Bennett, Senior Environmental Health Officer

The Environmental Health Officer wished to expand on the representation in the report as it is the team's opinion that the application doesn't adequately address prevention of public nuisance by way of noise and if granted, a public nuisance would be caused. He noted that guidance from the Government and the Council's policy suggest operational schedules should be precise and clear. The Council's Licensing policy also provides guidance on measures to avoid a public nuisance and it would appear from application that applicant hasn't followed it. He noted that the team have don't have objection to varying hours, but they do object to the hours applied for and he detailed the location of the nearby residents in relation to varying ambient and traffic noise experienced during daytime and night-time hours.

He confirmed that he was not aware of the club having additional noise mitigation measures installed and none were proposed, so there is potential for noise to escape after 23:00 which could contribute to disturbance and increased stress. As a council he clarified that the wish to support local businesses but also the need to support licencing objectives.

With regards to live music until 00:30, he confirmed a strong objection as live music is louder than recorded and the volume harder to control. Given the proximity to houses, it is not acceptable on any day. With regards to the sale of alcohol he raised an objection to the hours as people will use outside areas and will leave in a state of refreshment, causing noise. With regards to the change for recorded music to 00:30 he raised no objection in principle but it would need to match the opening hours.

He acknowledged that those who choose to live near licenced premises must accept some noise, but nonetheless there is a responsibility to have due regard to residential areas. On balance the current application isn't appropriate and acceptable and doesn't meet licencing objectives.

#### Questions to the Senior Environmental Health Officer

Mr Rispin asked what other noise reduction measures were possible, stating that they shut all doors and windows after 11pm. The Officer confirmed that for typical live music premises the Council expects to see a double door system, additional insulation and additional ventilation so that windows can be shut.

Mr Rispin confirmed the measures they have in place and that the music is predominantly the radio, asking if that would be intrusive for an extra hour per night. The Officer confirmed that live music was the main issue and reiterated no objection to the recorded music providing it matches the opening hours. He noted that the application was for more than they need and that the response had to be based on what was applied for.

The Senior Licensing Officer invited the applicant to be specific on what they are applying for so that the Panel can consider the representations and see if the applicants would like to amend the hours to reflect what they set out in their presentation.

The Panel agreed an adjournment at 10:55 for the Applicants to discuss their proposal. The Panel reconvened at 11:04 and the Senior Licensing Officer confirmed the Applicants proposed amendments. In respect of live music between Monday to Thursday the hours are to stay as per the current licence. For Friday and Saturday the live music hours remain as per the application. The recorded music hours are as

per the application. The hours for performance of dance on Friday and Saturday are as per application, otherwise as per current licence for other days.

The Environmental Health Officer responded to confirm that the initial objection has not changed. He acknowledged that the applicant has asked what noise reduction measures can be put in place and referenced guidance that provided more detail. He suggested that without knowing the acoustic properties of the building, the protection to the residents wouldn't be adequate. A proposed way forward would be for the applicant to keep to 2300 or submit a new application with an acoustic report so that a fair assessment can be made to see if the hours are reasonable.

### Interested Parties

Ms Butler confirmed that nothing said at the meeting has changed the views expressed in her representation. In expanding on the representation, she noted that the applicant only wanted the extended hours to cover a few events, however they have applied for 365 days to extend the sale of alcohol and late closing. They have also confirmed they are aware of a temporary events notice. She commented that the applicant appears to have not applied section 9 of the licensing policy. She references when the premises had the club certificate withdrawn in 2009 and in 2020 when the club was served with a prohibition notice and the applicant claimed they were giving beer away. She noted that other premises had their licences revoked for such a prohibition notice. It was her opinion that these incidents show that the applicant plays scant regard to the rules. She noted the Police conditions but was disappointed that they didn't refer to the opening hours. She was pleased with the submission from the Environmental Protection Team including the amendment for no live music after 23:00.

Should the Panel decide to grant the variation she requested that it includes the following additional conditions:

- A Noise Management Plan submitted every year for agreement by the Environmental Protection Team before anything can take place after 23:00. This should include noise levels at specified residences.
- A contact number for the premises and the name of the person responsible.
- A maximum of 2 events per month, Friday and Saturday (not consecutive) only. (Referring to loud parties not regular darts events.)
- Close at midnight.
- Sale of alcohol and recorded music only
- All events pre booked or prearranged and documented in a record available to the responsible authority on demand.

### Questions to the Interested Parties

The Applicant had no questions but did respond to the comment on the prohibition notice acknowledging that it related to providing drinks to two people in the club and was a misunderstanding where they unintentionally broke the law.

The solicitor reiterated the conditions expressed by Ms Butler.

### Licence Holder – Summary

Mr Stenning confirmed that the application is in order for them to stay open a little longer where they need to. They are not asking to have music every night and

haven't had a late licence application for the last 3 or 4 years. He reiterated that the Club will not be open late every night, it is just a place for people to come and have a drink and then go home.

The Solicitor outlined the next steps. If the Panel is unable to come to a decision today, it will be communicated to various parties within 5 working days. They may come back with a decision but not reasons, however these will be made clear. Any appeal of the decision is to be within 21 days at Brighton Magistrates Court and reference should be made to the paperwork if necessary.

The Panel retired to consider the application and representations at 11:19 and returned to the Chamber at 11:51.

The Chairman noted that after much deliberation the Panel is happy with the change of name. Given location is in a residential area the Panel feels that no exceptional circumstances have been provided to change the time for live music, recorded music, the performance of dance or sale of alcohol by retail.

However the Panel is happy to agree extension of opening hours to be longer. Monday to Saturday 11:00 to 23.30 and Sunday 12:00 to 23:00pm.

The conditions from the Police at Appendix 4 should be added. Detailed reasons will follow in writing and those changes will begin after 21 days once the appeal window has expired.

## **RESOLVED**

The Panel agreed to:

- The change of name.
- No change to the time for live music, recorded music, the performance of dance or sale of alcohol by retail.
- An extension of opening hours to be Monday to Saturday 11:00 to 23.30 and Sunday 12:00 to 23:00.
- The addition of the conditions from Sussex Police.
- Detailed reasons to follow in writing with changes beginning after 21 days once the appeal window has expired.

The meeting finished at 11.53 am

Chairman

**Minutes of a meeting of Mid Sussex District Council Liquor Licensing Panel  
held on Friday, 22nd September, 2023  
from 10.00 am**

**Present:** Councillors: A Eves  
J Mockford  
C Wood

**Officers in attendance:** Nathan Mountney, Solicitor to the Licensing Panel  
Jon Bryant, Senior Licensing Officer  
Lucy Corrie, Assistant Director Communities  
Lucinda Joyce, Senior Democratic Services Officer

**Also in attendance:** Alex Green – Solicitor  
James Coomber – Regional Technical Manager  
Stuart Frost – Area Manager  
George Zormelo – National Licensing Manager  
Peter Aston, WSCC Trading Standards, Interested Party  
Ryder White, Democratic Services Officer  
Terry Stanley, Head of Service, Democratic Services

**LS.1 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from WSCC Public Health and Sussex Police.

**LS.2 TO RECEIVE DECLARATIONS OF INTERESTS FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.**

None.

**LS.3 APPLICATION TO REVIEW PREMISES LICENCE - LICENSING ACT 2003.**

Introduction and outline of the report

Jon Bryant, Senior Licensing Officer introduced the report to determine an application submitted by West Sussex Trading Standards to review a Premises Licence at Morrisons Daily, Church Road, Copthorne, West Sussex, RH10 3RA. The grounds for the review relate to the licensing objectives of the Prevention of Crime and Disorder and the Protection of Children from Harm.

The review cites the sale of alcohol to a child during a test purchase operation conducted by Trading Standards on the 8th of February 2023 and the subsequent enquiries that were made into the incident. Two further Responsible Authorities, Sussex Police and WSCC Public Health, have submitted representations in support of the review application.

He noted that the Panel must determine this matter on the evidence presented to it during the hearing having due regard to the Licensing Act 2003, MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003.

He confirmed that the premises concerned is at Church Road, Copthorne, West Sussex, RH10 3RA and is currently known as Morrisons Daily. It has been licensed for the sale of alcohol for consumption off the premises since November 2005 under Licence Number PWA0095. Prior to this date the premises benefitted from a Justices Licence issued under the Licensing Act 1964.

The Premises Licence was transferred to the current premises licence holder, Alliance Property Holdings Limited, Hilmore House, Gain Lane, Bradford, West Yorkshire, BD3 7DL on the 10th May 2022 when the premises was formerly known as McColls.

At the time of the incidents referred to within the review application submitted by Trading Standards, the Designated Premises Supervisor (DPS) was Sarah Mahoney. She was employed at a different branch within the company and was not permanently located at this store. The DPS was changed on the 4th of August 2023 to an Andrew Vickers.

He noted that the current Premises Licence is attached at Appendix 2. The premises is currently licensed for the following licensable activities:

<b>Licensable Activity</b>	<b>Timings</b>
Sale by retail of alcohol	Sunday 10:00 - 22:30 Monday to Saturday 08:00 - 23:00

The current opening hours of the premises are:

Sunday 10:00 - 22:30  
Monday to Saturday 08:00 - 23:00

The premises operates as a convenience store and is located within Copthorne village. Photos of the store are attached at Appendix 3.

He confirmed that there are currently no extra conditions attached to the licence in addition to the mandatory licence conditions.

The Officer noted that West Sussex Trading Standards have applied for a review of the premises licence based on the sale of alcohol to a child that took place during a test purchasing operation that they conducted on the 8th of February 2023.

They cite that they received information regarding underage sales of alcohol and vapes. An advice visit was made to the store in August 2022 where they spoke to the manager at that time, Ms Kirstie East, regarding the sale of age restricted products, provided advice to ensure staff were correctly trained and a copy of this advice was provided to Ms East. On the 8th of February 2023 staff at the store sold alcohol to a child during a test purchase operation.

When Trading Standards officers spoke to the staff member who failed the test purchase, he stated that he had received training the previous week but did not know what the 'Think 25' policy was or what the refusals log was.



On the 22nd of May 2023 further questions were put by Trading Standards to a representative of the Company but there was no response. Further attempts were made and on the 9th of June they were informed by the current store manager that Ms East no longer worked for Morrisons Daily, but he confirmed that they had received the additional questions and would reply in the next 7 working days from that date.

On the 12th of June 2023, the current manager called the Trading Standards officer investigating the case and explained that the member of staff who failed the test purchase had been fired and it has been sorted. The Trading Standards officer asked him to respond to the questions that were put forward and confirm this information. There was no further response from Morrisons Daily since the 12th of June 2023 leading to the submission of the application to review the premises licence.

Trading Standards state that in view of the sale and the subsequent lack of engagement from the business in response to their contact with them, they do not believe the licensing objectives are being continually upheld, there is a failure of the management to promote the licensing objectives, and they consider that a review of the premises licence is necessary to limit further criminal activity by the licence holder and to act as a deterrent against such illegal conduct.

They further contend that the continued sale/supply of alcohol by the premises licence holder in the circumstances outlined above would potentially be a breach of the licensing objectives and the premises has demonstrated a particular failure in its ongoing responsibilities to protect children from harm. As underage advice had been provided before the sale of alcohol was made to a Trading Standards volunteer, the Responsible Authority suggests an appropriate outcome would be a three-month suspension of the Premises Licence.

He noted that full details of the Trading Standards investigation are attached to the report at Appendix 4.

Sussex Police have submitted representations in support of the application to review the premises licence on the grounds of the Prevention of Crime and Disorder and the Protection of Children from Harm. These are attached at Appendix 5.

In their representation they state that they are particularly concerned that in this case alcohol was sold to a child during a test purchase exercise. They note that prior to the test purchase advice was given to the Management of the premises by Trading Standards and that this advice revolved around underage sales of alcohol. They also recommend to the Committee that they consider a suspension period of 3 months is appropriate in this case.

In addition to a suspension of the premises licence, Sussex Police invite the Committee to update the current premises licence by adding modern conditions. A schedule of these conditions is attached at Appendix 6. The Officer noted that since the report was written there have been a large number of enquiries between the Police, the Solicitor and Trading Standards and a revised Appendix 6 has been provided which detailed conditions agreed by the parties involved.

WSCC Public Health have submitted representations in support of the application on the grounds of the Prevention of Crime and Disorder and the Protection of Children from Harm. These are attached in full at Appendix 7.

In their representation they state that sale of alcohol to children is of extreme concern, considering the strong evidence demonstrating the harms caused by alcohol to children and young people. They highlight that the premises had received an advice visit from two Trading Standards officers. They note that despite the member of staff confirming that they had received training, he was unable to explain the 'Challenge 25' policy. The fact that he was also completely unaware of a refusals log, demonstrates that staff training at the premises was completely insufficient to uphold the licencing objectives. They further state that it is disappointing that representatives of the company (up to the time that the review was submitted) have not responded in a timely manner to further questions put forward by Trading Standards. Given the serious nature of this offence and the harm caused to children by alcohol, this suggests that the premises is not taking seriously their responsibility to uphold the Licencing Objectives.

Having considered the information provided in the review, West Sussex Public Health state they are supportive of the recommendation of Trading Standards to suspend the premises alcohol licence for 3 months, as this will provide sufficient time for staff retraining, and would also invite the Committee to consider additional conditions being attached to the current licence. These are also outlined in Appendix 6. He also confirmed that the legal context is set out in the report.

In terms of the Licensing Objectives he confirmed that the Licensing Act 2003 requires representations to address the four licensing objectives which are:

1. Prevention of Crime and Disorder
2. Promotion of Public Safety
3. Prevention of Public Nuisance
4. Prevention of Harm to children and young persons

He noted the guidance set out in the report and highlighted that Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced.

Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in

promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

The noted that 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.

The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting 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 and that warnings should be issued in writing to the licence holder.

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.

Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition),
- exclude a licensable activity from the scope of the licence,
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

At this point the Officer noted that the Designated Premises Supervisor at the premises has subsequently changed since the incident.)

- suspend the licence for a period not exceeding three months;
- revoke the licence.

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 causes of concern that instigated the review.

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises: for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further

crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

He noted that the rest of the report outlines other options considered and background papers and he went through the appendices noting the revised version of Appendix 6 which has been tabled. He also highlighted one other item which has been provided to the Panel by the Solicitor which is a timeline as to the actions carried out by the Premises Licence holder since incident came to their notice.

#### Questions to the Senior Licensing Officer

There were no questions for the Senior Licensing Officer.

#### Mr Peter Aston, WSCC Trading Standards, Team Manager - Responsible Authority

Mr Aston advised Trading Standards had requested a standard review of the premises licence of Alliance Property Holdings trading as Morrisons Daily, Church Road, Copthorne, West Sussex, RH10 3RA under Section 51 of the Licensing Act 2003 with a view to a revocation, suspension, inclusion of additional conditions or removal of the DPS.

He highlighted that the current operation of the premises was undermining the Licensing Objectives and the purpose of the review was to bring to the Local Authorities attention the breaches of the licencing laws. He outlined their press release of October 2021 warning businesses there would be a county wide crack down on to underage sales of alcohol and noted previous cases where shops had been found to be selling alcohol and tobacco products to children. There has also been significant press coverage of licences across the District that have been revoked. There have also been occasions of other underage sales across the County, but they have involved other criminal activity and are not reported on. As the sale of vapes has continued, Trading Standards took the decision in January 2022 to instigate a zero-tolerance policy to the sale of alcohol to children and where there is sufficient evidence they will seek a review of the business alcohol licence with the aim of having it suspended or revoked unless there are exceptional circumstances. This approach would be following businesses having been fully advised in a personal visit and followed up in writing.

As part of their policy they agreed that the following steps would be taken: Trading Standards engage with the alcohol licence review process in view of tackling the supply of the restricted items. They conduct intelligence led test purchasing operations with evidence that usually comes from parents, teachers or businesses. All reported instances are followed up. They give robust advice to businesses who are reported as selling age restricted products to children and take appropriate and proportional action. They also utilise zero tolerance messaging and this is reflected in the published enforcement policy.

Unfortunately, incidents in Mid Sussex and the County have escalated which has a significant impact on the resources of both Trading Standards and Mid Sussex District Council.

With regards to this specific case in April 2022 the Responsible Authority received an intelligence report that the Alliance Property Holdings Limited trading as Morrison's Daily had sold alcohol and vapes to children. It originated from a Copthorne Police Community Support Officer as one of two properties selling alcohol and elf bars and was rife at the Copthorne carnival. He confirmed that they intervened and another

PCSO witnessed e-cigarettes being sold. Under the Children and Families Act 2014 it is a criminal offence to sell nicotine inhaling product to under 18's. Following receipt of this information Trading Standards made an appointment with Ms East on 5 August 2022. A visit was carried out by two Trading Standards Officers who viewed the training records online and checked the till prompts and refusal logs. Ms East read and signed a report and a copy was given to her. She was specifically warned that a test purchase will happen and if failed, the licence could be revoked. On 8 August 2022 a letter was sent reiterating the advice discussed and the zero-tolerance policy. On 8 February 2023 a test purchase took place with a 17-year-old volunteer under supervision. They selected a WKD Blue alcopop and took it to the till. The till person did not look up until asking for payment and he sold it without asking for any identification. After securing the bottle as evidence, the Officers returned after the purchase to explain what had taken place. Under caution the seller, Mr Felgate stated that the volunteer looked 19 or 20 years old. He explained that he started working at the store 2 weeks ago and had received written and video training one week prior. He had been required to sign paperwork confirming the training. When asked about the Think 25 policy he couldn't remember and so it was explained to him. When asked about the refusal log he didn't know what it was and had never written anything down but said it might be kept electronically. He sold the drink as he didn't think to ask for identification. Further questions were put to the Premises Manager Ms East who did not respond. Several attempts of contact were made with Morrisons Daily and on 9 June 2023 a Trading Standards Officer called and spoke to Mr Mo who explained that Ms East did not work there anymore. Mr Mo confirmed that he had received the questions and would respond in the next 7 working days. On 12 June 2023 Mr Mo called to explain that Mr Felgate had been fired and that it had been sorted. He was asked to complete the questions in writing but there was no further response until the application for the review was made on 8 August 2023.

The sale of alcohol to an underage person is a breach of the licence in a failure to protect children from harm. The Panel is reminded that the second objective, the prevention of crime and disorder, has also been failed. In view of the sale and subsequent lack of engagement the Officer felt that the Licensing objectives are not continually being upheld so and so it is proportional and necessary to ask the Panel to review the licence with a review to revoking it to act as a deterrent to other operators considering such illegal activities.

He referenced the Local Government handbook on the Licencing Act where the primary purpose is to act as deterrent and prevent further breaches and any licensable activities which are causing concern from happening. A review is often more of a deterrent than criminal prosecution. A further reason for bringing this review is the Home Officer revised guidance of the Licensing Act which was updated in August 2023 which notes the need to protect children from moral, physiological harm and the wider harms of sexual exploitation. Section 2.28 of the handbook notes that the Government believes it is completely unacceptable to sale to children and specific weight should be given to representations on child protection matters. Section 11.10 notes that where authorised person have concerns, it is good practice to give the Licence Holder early warning of the concerns and advise them of steps to change it. He noted that this took place with a visit by appointment and follow-up in writing, with a failure to respond to this. Section 11.27 notes that certain criminal activity is to be treaded particular seriously, for example the purchase of alcohol by minors. Section 11.28 notes that it is envisaged that Licencing Authority's, Police, the Home Office and other Responsible Authorities will use review procedures to deter such activities and crime. Where the crime prevention activities are being undermined it is expected that a revocation of licence even in a first instance should be considered.

In conclusion he noted that the sale of alcohol is a breach of the licencing objectives and is a failure to protect children from harm. The second licensing objective has also been failed. He felt that the company would blame the individual employees involved but senior officers and managers need to take responsibility as they had no oversight of what was happening in the store, noting that Morrison's is a large national Business. Underage prevention advice has been provided and a 3-month suspension is consistent and proportional with other small businesses that have come before the Panel recently. He felt that it would provide a strong message to others if consistent and robust sanctions are administered.

#### Questions to the Trading Standards, Responsible Authority

The Solicitor for the Licence Holder asked if the Manager had escalated the request for information back in May 2023 and if Trading Standards had been provided with a timely response and were given all the information to their satisfaction is it possible that the Panel wouldn't be convened today.

The Trading Standards Officer confirmed that they have a zero-tolerance policy on the sale of alcohol and so they would still have undertaken a review of the alcohol licence.

The Panel asked if Mr Felgate was alone in the shop when the test purchase took place. The Trading Standards officer did not know.

#### Representatives of the Premises Licence Holder : Alex Green – Solicitor, James Coomber – Regional Technical Manager, Stuart Frost – Area Manager, George Zormelo – National Licensing Manager

Before commencing, the Solicitor established that there would be an opportunity to sum up at the end of the representations.

The Solicitor confirmed that on behalf of Alliance Property Holdings Ltd and Morrisons, the attendees at the meeting apologise to the Police, Public Health and the Panel and hold their hands up to what happened.

He noted that Alliance Property Holdings Ltd is a neutral name confirming that Morrisons took over the McColls chain in 2022. One reason that they are here, is that following a failed test purchase, the manager failed to respond to Trading Standards. The manager was given ample opportunity to escalate it internally. Whether he claimed to be busy or misplaced the paperwork the Solicitor did not know. He noted that there is no criticism of Trading Standards as they asked for questions to be answered and despite chasing and ringing the manager, he didn't escalate it. The Solicitor has provided a timeline of the incident and subsequent action for the Panel to review. He summarised points in the timeline from the failed test purchase on 8 February 2023, the Senior Licencing Officer's visit to site to review processes, an investigation into the staff Member who was suspended and then dismissed and a number of reactive Serve Legal test purchases which took place and were all passed.

He acknowledged that initially there was a big response, and the Premises Licence Holder was in contact with the Licensing Authority and believed that everything was resolved since the horrible error. However, 3 months later Trading Standards provided correspondence to the previous manager requiring answers to a series of questions. They followed up with a call to the manager, Mr Mo who agreed to

respond within 7 days. He did not escalate this and Trading Standards issued their application to review in August 2023 as they had received no response. As soon as the Licence Holder was made aware of the review the Solicitor was in contact with Trading Standards to confirm that Head Officer were aware and on it. The store was visited by the regional compliance team straight away to investigate. To receive the review papers was a surprise and the response was detailed. The manager was investigated for non-escalation, the compliance teams visited, and more test purchases took place and were passed. The Trading Standards questions were answered by the National Compliance Manager and a full audit of the store took place. The manager was investigated, a disciplinary lined up and he subsequently resigned. The new staff have had training and everything has been done as far as they can see to ensure that it doesn't happen again. With regards to the representations, the conditions have been agreed and there has been a lot of emails with Sussex Police with regards to CCTV requirements. The Police are clear that they wish for the conditions to be included this has been agreed as per the revised appendix 6 including CCTV, and incident log, a door staff policy for late evenings if needs and detailed training. He noted that they are trying to demonstrate that once it hit home on a national and regional level, they are demonstrating how seriously it is being taken.

#### Questions to the Licence Holder

Mr Aston noted that Callum Wells was aware of the situation on 15 February 2023 and asked what position Mr Wells is within the company.

James Coomber, Regional Technical Manager, confirmed that Mr Wells is a Regional Compliance Specialist. Mr Aston replied that if he was aware in February, why was it not escalated? The Solicitor replied that they were aware of the failed test purchase in February as everything kicked into place with a comprehensive response. He was not aware of any criticism of the Regional and National response and thought that everyone locally had met and dealt with the necessary issues. Mr Aston commented that they appear to be blaming the staff in the shop at the time for the lack of escalation. The Solicitor replied that that one manager was responsible for the subsequent escalation, and he solely didn't. The staff member who failed the test purchase had received comprehensive training and signed to acknowledge that. If they subsequently didn't understand the training or failed to remember it, that is not the failure of the training.

The Panel noted that the person who sold the alcohol was immediately dismissed and asked who the manager at this point was. The Solicitor believed that there wasn't a permanent manager at the time. Mr Stuart confirmed that Sarah Mahoney was managing two sites. He confirmed that it was unlikely that Mr Felgate was alone as he was a colleague not a supervisor.

The Panel asked about the specifics of the training, whether it happens at home, are they supervised, does the company check that the staff member has completed it and have they changed the training since this event took place.

Mr Coomber confirmed that it is e-learning designed to contain videos and information to constantly test you as you go through the module. At the end there is a full test and you have to pass it to complete the module. If you fail, you restart and the questions at the end change.

The Panel noted that the staff training at the premises was insufficient and asked what systems are now in place that are different.

George Zormelo, National Licensing Manager confirmed that McColls has been integrated into Morrison's ways of working and training has been moved into Morrison's systems, aligned to Morrison's colleague training. This involves initial training and a bi-yearly refresher carried out on a comprehensive and interactive system which verifies colleagues have taken it. He also noted that they have passed the test purchases which have taken place since the failed instance.

#### Summing up by WSCC Trading Standards

Mr Aston confirmed that Trading Standards still do not have the confidence that the licensing objectives will be upheld as it is clear there is a shortfall at all levels including procedures and training to staff. He noted that there should be a sanction for a large national business to deter them and others from selling age restricted products. We believe a 3 months suspension of the licence is an appropriate deterrent.

#### Summing up by the Licence Holder

He referenced Section 11.20 of the Home Office Guidance, that in deciding which power to use, the Licencing Authority should seek to address the cause of issues and any remedial action should be directed at these causes. It should also be proportional to these causes. A suspension of a licence for 3 months could impact the business and should only be expected to be pursued as an appropriate means of promoting the licensing objectives.

He noted that the Licence Holder does not need time to get its house in order. A review was completed recently, the staff member who sold the alcohol has gone, the store is monitored on a regular basis, and training has taken place at a level expected of Morrisons employees. He also referenced point 9.43 where guidance should be evidence based and reiterated that the cause of the failure was 2 staff members and the action taken from the license holder was comprehensive. All staff have been trained, all subsequent test purchases have passed, and the Regional Manager has visited the site on multiple occasions. In serious cases the Panel could revoke a licence, or do nothing, or add conditions. In this case the licence holder has agreed conditions with all the responsible authorities involved which is a reasonable and proportionate response. He asked how a revocation would help, citing that it should not be used as a form of punishment.

The Solicitor outlined the next steps. The Panel will retire to consider the application. If the Panel is unable to come to a decision today, it will be communicated to various parties within 5 working days. They may come back with a decision but not reasons, however these will be made clear. Any appeal of the decision is to be within 21 days.

The Panel retired at 11.04 and returned at 12.12.

The Panel carefully considered the application for review and verbal submissions from West Sussex Trading Standards; the representations made by Sussex Police and West Sussex County Council Public Health; and verbal submissions submitted at the hearing by the Premises License Holder. It has taken into account the Mid Sussex District Council's Statement of Licensing Policy, the revised Home Office guidance issued under section 182 of the Licensing Act 2003, the duties under the Crime and Disorder Act 1998 and the rights set out in the Human Rights Act 1998. All options for determination have been considered as per section 52 of the Licensing Act 2003.



The Chairman confirmed that allegations by Trading Standards have been established but the Premises Licence holder does not argue the facts. The Premises Licence Holder says the failure is in the escalation to management.

Based on the evidence by the Trading Standards Officer, the seller clearly didn't understand the training he had received only 2 weeks prior so it is the Public Licence Holders responsibility to ensure that the training given is sufficient to promote the licensing objectives. We do not believe the training was adequate especially as prior warning was given in August 22 that a test visit would occur.

Given that you have agreed to amend the conditions as requested and your training systems are much improved, based upon your new conditions and chronology you have supplied, we cannot justify suspension or revocation on this occasion. Should there be further instances you are more likely to receive a suspension or revocation of your licence.

### **RESOLVED**

The Panel decided that the Premises Licence held by Alliance Property Holdings Ltd trading as Morrisons Daily, Church Road, Copthorne, West Sussex, RH10 3RA be amended to include the additional conditions from Sussex Police.

The meeting finished at 12.15 pm

Chairman

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**Minutes of a meeting of Mid Sussex District Council Liquor Licensing Panel  
held on Friday, 22nd September, 2023  
from 2.00 pm**

**Present:** Councillors: J Henwood (Chairman)  
M Kennedy  
M Miah

**Officers in attendance:** Nathan Mountney, Solicitor to the Licensing Panel  
Jon Bryant, Licensing Officer  
Lucy Corrie, Assistant Director Communities  
Alison Hammond, Democratic Services Officer

**Also in attendance:** Mrs Pinky Bharat Patel, Licence Holder - Londis Supermarket  
Mr Bharat Patel, Licence Holder - Londis Supermarket  
Mr Michael Kheng, Agent for the Licence Holder  
Mr Peter Aston, WSCC Trading Standards, Interested Party  
Terry Stanley, Head of Democratic Services and Elections  
Aidan Gaff, Senior Electoral Services Officer  
Lucinda Joyce, Senior Democratic Services Officer

The panel and officers were introduced to the applicants and the Responsible Authority.

**LS.1 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from WSCC Public Health and Sussex Police.

**LS.2 TO RECEIVE DECLARATIONS OF INTERESTS FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.**

None.

**LS.3 APPLICATION TO REVIEW PREMISES LICENCE - LICENSING ACT 2003.**

Introduction and outline of the report

Jon Bryant, Senior Licensing Officer introduced the report to determine an application submitted by West Sussex Trading Standards to review a Premises Licence of Londis Mini Supermarket, 65 Lingfield Road, East Grinstead, West Sussex, RH19 2EU. The review related to the Prevention of Crime and Disorder and the Protection of Children from Harm.

The application to review the licence, pursuant to Section 51 Licensing Act follows the sale of underage products, the sale of alcohol to a child during a test purchase conducted by West Sussex Trading Standards on 8th February 2023, noting enquiries were made into the incident. Submissions from Responsible Authorities, in support of the review had also been received from Sussex Police and WSCC Public Health.

The Panel were asked to determine the application on the evidence presented at the hearing having regard to the Licensing Act 2003, MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003.

The Senior Licensing Officer advised Londis (Anishs) Mini Supermarket, of 65 Lingfield Road have been licenced for the sale of alcohol for consumption off the premises since November 2014, under Licence Number PWA0494. The partners of the supermarket are Manjulaben Ambarish Patel, Ambarish Ambalal Patel, Bharat Chaturbhai Patel, and Pinky Bharat Patel. The Designated Premises Supervisor (DPS) at the time of the incident in the review application was Mrs Manjulaben Patel, however the DPS changed to Mrs Pinky Bharat Patel on 22 February 2023. The Officer noted the licensed hours and additional conditions on the current licence, Challenge 25, staff training, and the operation of a refusals log were detailed in the report.

The review was requested as during a test purchase, organised by Trading Standards on 8th February 2023 a child was sold alcohol. Staff at Londis Supermarket were also made aware of the sale of age restricted vapes to children during an advice visit to the store in August 2022, where Trading Standards gave advice to Mr Bharat C Patel on the sale of age-restricted products. Bharat Patel then sold alcohol to a child on 8th February 2023, he claimed he had been distracted whilst serving the customer due to receiving a large energy bill. At the time there were no written records of staff training as it was done verbally.

Trading Standards advised they believed there is a failure to continually uphold the Licensing Objectives, the management do not promote the Licensing Objectives and a review of the licence could limit further criminal activity, and act as a deterrent for other licence holders considering illegal activities. As advice on the sale of underage products had been given before the sale to the underage customer, Trading Standards suggested a three-month suspension of the Premises Licence. Full details of their representation were listed in Appendix 4.

The representation by Sussex Police in Appendix 5 advised they supported the request for a review on the same grounds as Trading Standards and their request for a three-month suspension of the Premises Licence. They expressed concern that the underage sale occurred during a test purchase exercise when advice had been given to the management previously regarding underage sales, and Challenge 25 posters were not displayed. At the time of their visit no DPS authorisation forms, training logs, refusal or incident logs were available for inspection; CCTV was operational but only the manager could operate the system. The Panel were recommended to update the conditions of the premises licence, as detailed in Appendix 6; the Senior Licensing Officer noted he had no information whether the Premises Licence Holder had accepted or made any comments on these conditions.

Appendix 7 detailed the representations of West Sussex County Council Public Health, who also supported the review on the same grounds and the suspension of the premises licence. In their representation they stated that they are deeply concern over the sale of alcohol to children due to the harm caused by the effects of alcohol. They reiterated that the premises had received advice during a visit by Trading Standards prior to the failed test purchase. They expressed concern that the person who sold the alcohol during the test purchase was also responsible for training other staff in the Challenge 25 Policy, was not promoting the Licensing Objectives and there was no written evidence of staff training. They highlighted the increase in alcohol related hospital admissions for the under 18s, and in Mid Sussex the rate is also higher than the national rate.

The Senior Licensing Officer highlighted Appendix 8 which contained information supplied by the Licence Holder's Agent and included the result of a test purchase by the National Lottery, a utility bill, training records, refusals log and sections of the Home Office Guidance issued under Section 182 Licensing Act 2003.

The determination should be carried out in accordance with the Licensing Act 2003, MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations. He highlighted section 2.34 of the guidance which advises considerable weight should be given to representations on child protection matters and the Director of Public Health may also have access to relevant evidence to inform such representations. Section 11.10 advises it is good practice for authorised persons and responsible authorities, who have concerns to give licence holders early warning of their concerns, the need for improvement and the actions to be taken. Section 11.17 advises the Licensing Authority may issue a warning letter or recommend improvements to ensure promotion of the Licensing Objectives.

The Panel were asked to determine the review application, having due regard to all relevant representations for the promotion of the Licensing Objectives: the prevention of crime and disorder, the promotion of public safety, the prevention of public nuisance and the protection of children from harm. The Panel could modify the conditions of the licence, exclude a licensable activity from the scope of the licence, remove the designated premises supervisor, suspend the licence for a period not exceeding three months or revoke the licence. He noted that the DPS had changed since the incident; the Licensing Authority should seek to establish the cause, any remedial action should be directed at the cause, should be appropriate and proportionate to the requested review. The Senior Licensing Officer advised the Panel that in Appendix 8 Mr Kheng had highlighted section 11.23 of the Home Office Guidance, the effect of a temporary suspension on the business and that the detrimental financial impact should be proportionate to the four Licensing Objectives. Where a business was found to be trading irresponsibly, Licensing Authority should take tough action. He outlined the appendices, noting the revised conditions supplied by West Sussex Public Health, which were similar to those of Sussex Police.

#### Questions to the Senior Licensing Officer

There were no questions for the Senior Licensing Officer from Trading Standards.

#### Mr Peter Aston, WSCC Trading Standards, Team Manager - Responsible Authority

Mr Aston advised Trading Standards had requested a review of the premises licence of Londis Mini Supermarket, 65 Lingfield Road under Section 51 of the Licensing Act 2003 with a view to a three-month suspension. He highlighted that the purpose of the review was to bring to the Local Authorities attention the breaches of the licencing laws. The current operation of the premises was undermining the Licensing Objective of the protection of children from harm as alcohol was sold to an underage person. The second licensing objective 'Prevention of Crime and Disorder' has also been failed by the criminal offence that took place on the 8th of February 2023. He outlined the press release by Trading Standards in October 2021 of a zero tolerance to underage sales of alcohol and noted previous cases where licences have been revoked/ suspended following a review of a licence. The illegal sale of vapes to children has also continued and there is now a zero tolerance for these sales. Where

there is evidence of a breach of licencing laws, Trading Standards will seek a review to get the licence suspended or revoked, this enforcement action is in line with their policy. He advised that a wide range of media is used to highlight recent cases where licences have been revoked/suspended. Londis Mini Supermarket was fully advised by a personal appointment which was followed up in writing. Trading Standards had received intelligence from parents, local residents and the Police; all information received is followed up and he advised they take tough action where breaches occur. Intelligence reports in Mid Sussex have escalated, and the sale of illegal vapes to children is a particular concern due to the impact of the vapes' chemicals on children.

In June 2022 intelligence was received from the Police that advised vapes to sold to under 18s, and the Police attended the premises. They gave advice to the Store Manager and advised Trading Standards would be informed. The Store Manager advised the staff would be re-educated. The Committee were informed that the sale of vapes to under 18s is illegal under the Children and Families Act 2014. On 5 August 2022 Trading Standards undertook an advice visit by appointment and spoke to Mr Bharat Patel, they advised a test purchase would be made and the consequences if they failed the test. An advice visit letter was sent after the visit. On 8th February 2023 a test purchase was undertaken, where a 17-year-old volunteer, under the supervision of Trading Standards successfully purchased a bottle of WDK Blue cocktail. The male on the till did not ask for ID; after securing the evidence the Trading Standards officers went back to the shop and took information from the member of staff under caution. Mr Bharat Patel said the volunteer looked 19/20 years old and he had been distracted by received a large energy bill. With regard to training on the sales of age restricted products, he said he had not been recently trained, he reads articles online and he trains the other employees. He confirmed staff were trained on the Think 25 Policy and reiterated that at the time of the test purchase he had been distracted by the energy bill. Further questions were put the other partners, and Trading Standards were advised that all training was done verbally and there were no written records of the training. The Panel were advised that the partners also have a second premises at Felbridge.

In summary Mr Aston highlighted that the sale of alcohol was a breach of Licensing Objectives, the staff had failed to promote the Licensing Objectives, and a criminal offence had occurred on 8th February by the sale of an age-restricted product to a child.

A review of the licence can act as a deterrent. He drew the Panel's attention to section 2.28 and 2.34 of the Home Office Guidance issued under Section 182 Licensing Act 2003; section 2.34 advises Local Authorities should give weight to child protection matters.

#### Questions to the Trading Standards, Responsible Authority

Members of the Panel questioned Mr Aston on the approach of Trading Standards to the failed test purchase, the time taken to seek the review, the records of the Premises and were concerned over the continued selling of vapes to children.

Mr Aston advised they have not prosecuted Londis Mini Supermarket as the incident was still under investigation, they are guided by their enforcement policy of a stepped approach; the outcome could be a warning letter, a simple caution if they accepted the failure or a prosecution. He advised the review had taken a long time as seven of the eight test purchase undertaken had failed which increased the officers' workload as a thorough investigation is required. He confirmed that training and refusals logs

had not been available for inspection when Responsible Authorities visited the store. The sale of vapes to children was being dealt with through the review of licences, and nationally with the help of a Government review and Public Health they are trying to educate children through their schools.

#### Mr Michael Kheng, Agent for the Licence Holder

Mr Kheng advised the Londis Mini Supermarket was a family business which had been running for over 9 years, they also had bigger premises at The Parade for 12 years. They had sold age restricted products for a long time with no issues. They had passed a Camelot test purchase and do operate a Challenge 25 policy. He acknowledged that they failed the test purchase on 8th February 2023, and noted that the report did not include any photos of the volunteer who had been dressed to look like they were 18. He highlighted the energy bills in Appendix 8, advising Mr Patel had apologised and “his mind was focussed on an energy bill he had opened 10 mins earlier. He hoped the Panel would understand as the bill for one month’s energy was very high.

Appendix 8 also contained a copy of the Essential of Alcohol Workbook by Highfield Qualifications; a recognised awarding body and a form of basic training for staff. He noted that the workbook contained tests and a quiz at the end; the quiz is completed by the staff member then signed as part of their training record. The quiz is then reviewed by the DPS, this is now in place for both shops. The Panel were reminded that there was no evidence of a problem regarding the sale of vapes at the store, and the review only related to the test purchase for alcohol. He advised holding a copy of the DPS authorisation form at the store was not a legal requirement and the officer’s photos show the Challenge 25 signage on display. They were on display when the Police attended the store, and another sign was put up at their request. He noted that the store has 32 CCTV cameras internally and externally, and access to the footage is restricted in line with data protection requirements.

With regard to the suggested three-month suspension to give the store time to train the staff, he advised the store had continued to operate for over 6.5 months since the failed test purchase and all staff had been retrained. Therefore, a suspension was not appropriate. In his opinion the store would have passed if another test purchase had been undertaken by Trading Standards and no warning letter had been received. Section 182 of the Home Office guidance advises any suspension would be a financial punishment, a suspension would not gain anything and would not promote the Licensing Objectives. A suspension would be contrary to section 11.20, “remedial action should be directed at the causes, an appropriate and proportion response”. The store’s previous history and the last six months show the Licensing Objectives are being addressed, there was no persistent underage sale of alcohol. All remedial action has been done. There was no need to change the licensing conditions as the proposed conditions are standard, not tailored to the premises as a delivery service is not provided; there had been no consultation of the proposed conditions. The DPS had not been at a panel before, so the current conditions work. He also highlighted section 9.43 of the Home Office guidance. Mr Kheng asked for a formal warning instead of a suspension of the Premises Licence.

#### Questions to Mr Kheng, Agent of the Licence Holders

Members expressed concern that the visit of Trading Standards had highlighted many issues and noted changes had been made, and the previous DPS had rarely been in attendance at the store particularly during the visit of the Police. They

queried whether the large energy bill was considerably higher than normal, who checks the training records and what percentage of the store's taking are for alcohol.

Mr Kheng confirmed the store now had a good operating practice. The previous DPS had been absent due to a knee operation and within weeks the DPS had changed, and the authorisation form was put in place. He accepted that no logs of training were kept, a refusal log now written. All the points raised by the Police had been dealt with. He recapped on previous energy bills that had been included in Appendix 8 which indicated the bill was much higher, the discrepancy had now been rectified. He confirmed that the refusals log is stored electronically on the till, a prompt is provided as age-related products are scanned. Mr Patel confirmed from March a written record has also kept, the DPS checks the training records and 10% of their total sales are for alcohol.

#### Summing up by WSCC Trading Standards

Mr Aston reiterated the seriousness of the case which demonstrated a breach of Licensing Objectives and the Premises Licence holder has a duty to uphold the Licensing Objectives. There had been a breach of the Prevention of Crime and Disorder objective as alcohol had been sold to a minor. He highlighted the proposed changes to conditions six and seven, and the suggestion of a three-month suspension was consistent and proportionate to other recent reviews. Trading Standards had no confidence that the licence holder would continue to uphold the Licensing Objectives as no action had been taken after advice had been given.

Nathan Mountney, Solicitor to the Licensing Panel advised that the Panel would retire to make their decision and their reasoning. He also advised that any party has 21 days in which to appeal to Brighton Magistrates Court.

The Members left the Chamber to review the documents at 3.08 pm. The Members returned to the Chamber at 3.49 pm.

The Panel carefully considered the application for review and verbal submissions from West Sussex Trading Standards; the representations made by Sussex Police and West Sussex County Council Public Health; and verbal submissions and evidence submitted at the hearing by the License Holders and their agent. It has taken into account the Mid Sussex District Council's Statement of Licensing Policy, the revised Home Office guidance issued under section 182 of the Licensing Act 2003, the duties under the Crime and Disorder Act 1998 and the rights set out in the Human Rights Act 1998. All options for determination have been considered as per section 52 of the Licensing Act 2003.

The Chairman commented that they may have been momentarily distracted but that does not justify their failure to uphold the promotion of the Licensing Objective to protect minors. They must separate the distress of running a business and the obligation to uphold the conditions of their licence. Within the last six months the Panel is satisfied that the Premises Licence holder and the staff have implemented the conditions of their licence. Police and Public Health have suggested an amendment to their conditions. The Panel accepts the current conditions of your licence are sufficient if implemented to address the promotion of the Licensing Objective to protect minors and prevent crime and disorder. In this case the Panel believe a formal warning is sufficient.



## **RESOLVED**

The Panel decided that Mrs Pinky Bharat Patel, the Premises Licence Holder no PWA0494 should be issued with a formal warning.

The Solicitor advised all attendees have the right to appeal against the Licensing Authority's Decision. Any appeal must be made to Brighton Magistrates' Court, The Law Courts, Edward Street, Brighton BN2 0LG, 01273 670888 and commenced by Notice of Appeal within 21 days of being notified of the decision, which is the 16th October 2023.

The meeting finished at 3.50 pm

Chairman

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## APPLICATION TO REVIEW PREMISES LICENCE – LICENSING ACT 2003

REPORT OF: Lucy Corrie, Assistant Director - Communities  
Contact Officer: Jon Bryant, Senior Licensing Officer  
Email: [jon.bryant@midsussex.gov.uk](mailto:jon.bryant@midsussex.gov.uk) Tel: 01444 477428  
Wards Affected: Haywards Heath - North  
Key Decision No  
Report To: Liquor Licensing Panel

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### Purpose of Report

- 1 To provide information in order that the Panel can determine a review of a Premises Licence submitted by West Sussex Trading Standards.

### Summary

- 2 An application, attached at Appendix 1, pursuant to Section 51 Licensing Act 2003, has been made by West Sussex Trading Standards for the review of a Premises Licence, namely at KK News Ltd, Trading as Sparks News, 56 Queens Road, Haywards Heath, RH16 1EE. The grounds for the review relate to the licensing objectives of the Prevention of Crime and Disorder and the Protection of Children from Harm.
  - 3 The review cites the sale of alcohol to a child during a test purchase operation conducted by Trading Standards on the 24<sup>th</sup> of May 2023 and the subsequent enquiries that were made into the incident. Two further Responsible Authorities, Sussex Police and WSCC Public Health, have submitted representations in support of the review application.
  - 4 The Panel must determine this matter on the evidence presented to it during the hearing having due regard to the Licensing Act 2003, MSDC Licensing Policy, and the Home Office Guidance issued under Section 182 Licensing Act 2003.
- 

### Background

- 5 The premises concerned is at 56 Queens Road, Haywards Heath, RH16 1EE and is currently known as Sparks News. It has been licensed for the sale of alcohol for consumption off the premises since March 2017 under Licence Number PWA0551.
- 6 The Premises Licence holder and the Designated Premises Supervisor (DPS) is Ms Lakminy Thambu Kandasamy, of 56 Queens Road, Haywards Heath, RH16 1EE.
- 7 The current Premises Licence and conditions is attached at Appendix 2.

The premises is currently licensed for the following licensable activities:

Licensable Activity	Timings
Sale by retail of alcohol	Everyday 06:00-20:30

8 The current opening hours of the premises are:

Everyday: 05:30 – 20:30

9 The premises operates as a local convenience store/newsagent in Haywards Heath within a mainly residential area. Photos of the store are attached at Appendix 3.

10 There are a number of additional conditions attached to the licence in addition to the mandatory licence conditions. These include:

The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. Signage advertising the policy will be displayed at the point of sale as a minimum.

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 to cover the servery, alcohol storage area and the entrance to the premises as a minimum. The system shall be on and recording at all times the premises licence is in operation.

- The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- CCTV footage will be stored for a minimum of 31 days.
- 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.
- The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- Subject to Data Protection 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 for the police without difficulty or delay and without charge to Sussex Police.

The premises shall at all times maintain and operate a sales refusals log and an incident log book. These will be kept to record all refusals and incidents of crime or disorder. These records shall be kept for a minimum of twelve months and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff.

All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed and refresher training thereafter at intervals of no more than six months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff.

- 11 West Sussex Trading Standards have applied for a review of the premises licence based on the sale of alcohol to a child that took place during a test purchasing operation that they conducted on the 24<sup>th</sup> of May 2024.
- 12 They cite that they had previously received a report on the 30<sup>th</sup> of January 2023 that Sparks News was openly selling vapes and liquids to children in Oathall College school uniform, every day after school. The report also stated that this was causing litter and unsocial behaviour for local residents.
- They received three further complaints at the end of March 2023 of the venue selling alcohol and e-cigarettes to 15- and 16-year-old children.
- Trading Standards reference a visit to the premises by Mid Sussex District Licensing Team on the 30<sup>th</sup> of March 2023 when a programmed inspection took place, and an advice letter was sent to the DPS following the inspection.
- On the 3<sup>rd</sup> of April 2023 Trading Standards completed a visit to the premises where advice was given to Ms Kandasamy regarding underage sales, and she was advised that test purchases would take place and if failed a licence review would be applied for. A follow up advice letter was sent to the premises.
- On the 24<sup>th</sup> of May 2023 an employee at the store sold alcohol to a child during the test purchase.
- 13 When Trading Standards officers spoke to the employee, they commented that he was hard of hearing and his command of English was limited as it did not appear to be his first language. He did seem to understand what underage sales were but thought the volunteer was 18.
- 14 KK News Ltd director Ms Kandasamy responded to a formal written interview request and stated that both herself and a staff member have personal licences. Miss Kandasamy confirmed that she is the owner and responsible for the day to day running of the business.
- 15 West Sussex Trading Standards contend that they do not have confidence that the licensing objectives are or will be promoted by the continuation of licensable activities at these premises. They comment that despite being trained with a personal licence since 25<sup>th</sup> June 2008 and being a DPS at Sparks News since 11<sup>th</sup> March 2017, Ms Kandasamy had not put adequate due diligence and procedures in place until Trading Standards visited on 3<sup>rd</sup> April 2023. They highlight that Ms Kandasamy left her staff untrained for years after they joined the business, allowing them to sell age restricted products without knowledge of how to ensure children are protected from harm. The Challenge 25 policy is a mandatory condition of the premises licence, and it has not been complied with. They state that there has been a failure of the management to promote the licensing objectives, the sale/supply alcohol in the circumstances outlined is a breach of the licensing objectives and the licensee has failed in their responsibilities to protect children from harm. Therefore, Trading Standards suggest to the Panel an appropriate outcome of the review would be a revocation of the premises licence.
- 16 Full details of the Trading Standards investigation are attached to the report at Appendix 4.

- 17 WSCC Public Health have submitted representations in support of the application on the grounds of the Prevention of Crime and Disorder and the Protection of Children from Harm. These are attached in full at Appendix 5. In their representation they state that sale of alcohol to children is of extreme concern, considering the strong evidence demonstrating the harms caused by alcohol to children and young people. They highlight that the premises had received an advice visit from MSDC Licensing Team and from a Trading Standards officer prior to the test purchase.

They highlight that in Mid Sussex alcohol-specific hospital admissions among under 18s have shown an increase since 2016/17 and the comparable rate for the district is 35.2 admissions per 100,000 under 18s which is also above rates for England overall.

They state that it is disappointing that despite previous advice provided by Trading Standards, alcohol was sold to a child. Given the serious nature of this offence and the harm caused to children by alcohol, this suggests that the premises is not taking seriously their responsibility to uphold the Licencing Objectives.

Having considered the information provided in the review, West Sussex Public Health state they are supportive of the recommendations of Trading Standards which seek to limit further criminal activity and to promote the licencing objectives.

- 18 Sussex Police have submitted representations in support of the application to review the premises licence on the grounds of the Prevention of Crime and Disorder and the Protection of Children from Harm. These are attached at Appendix 6.

They detail that Sussex Police received a report on the 27<sup>th</sup> of March 2023 from an informant stating that her son of 15 years of age had been sold alcohol and vapes from the premises on the 25<sup>th</sup> of March 2023. As a result of this information a joint visit by the Police and Mid Sussex District Council Licensing team was carried out on the 30<sup>th</sup> of March 2023. During the visit the DPS Ms Kandasamy was present along with another member of staff. She was spoken to regarding the allegation and words of advice was given regarding this matter. It appeared that the DPS was not at the premises at the time of the reported incident.

The following observations were made whilst the officers were at the Licensed premises:

- The DPS could not produce part A of the Premises Licence.
- Part B of the Premises Licence was on display in the store.
- The DPS could not produce a DPS authorisation form.
- Challenge 25 (age verification) displayed.
- CCTV was working although the time was incorrect.
- Training records for the member of staff working in the store at the time of the visit could not be produced. No refresher training documented which as of the training condition, should be carried out at intervals of no more than 6 months.

To assist the DPS in managing the issues raised and upholding the Licensing objectives, documentation was then passed to the DPS to help rectify the

issues raised during the visit. A further visit to the premises was carried out on the 17<sup>th</sup> of April 2023 by Mid Sussex District Council Licensing team. The result of the visit was that the premises had rectified all the issues raised.

In the representation they state that they are particularly concerned that in this case alcohol was sold to a child during a test purchase exercise and that prior to the test purchase exercise carried out by Trading Standards, advice around the sale of age restricted products was given to the Management of the premises by a number of Responsible Authorities.

Sussex Police support the review application and recommend to the Committee that they consider a suspension period of three months is appropriate. In addition to a suspension of the premises licence, Sussex Police invite the Committee to consider updating the premises licence conditions by replacing all the existing conditions in the operating schedule of the licence with proposed conditions detailed at Appendix 7.

### **Legal Context**

- 19 The review has been applied for under Section 51(1) of the Licensing Act 2003.
- 20 Section 52 deals with the determination of the review.
- (1) This section applies where—
- (a) the relevant licensing authority receives an application made in accordance with section 51,
- (b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
- (c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section.
- (2) Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
- (3) The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers [F1appropriate] for the promotion of the licensing objectives.
- (4) The steps are—
- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

(5) Subsection (3) is subject to sections 19 to 21 (requirement to include certain conditions in premises licences).

(6) Where the authority takes a step mentioned in subsection (4)(a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

## 21 Licensing Objectives

The Licensing Act 2003 requires representations to address the four licensing objectives which are:

1. Prevention of Crime and Disorder
2. Promotion of Public Safety
3. Prevention of Public Nuisance
4. Prevention of Harm to children and young persons

## 22 Guidance Issued Under Section 182 of the Licensing Act 2003:

### 2.34

Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

### 11.9

Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.



#### 11.10

Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

#### 11.16

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.

#### 11.17

The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting 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 and that warnings should be issued in writing to the licence holder.

#### 11.18

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.....

#### 11.19

Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- 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;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20

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 causes of concern that instigated the review.

11.23

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 or preventing illegal working. 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 and for the prevention of illegal working in licensed premises. 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.

11.27

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- .....
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- .....

11.28

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

**Other Options Considered**

- 23 In order to lawfully provide licensable activities as applied for, they must be conducted under the authority of a Premises Licence.

### **Financial Implications**

- 24 The final decision made by the Panel in this matter is subject to appeal in the Magistrates' Court by any party to the proceedings.

### **Other Material Implications**

- 25 Section 136 Licensing Act 2003 – A person commits an offence if he carries on or attempts to carry a licensable activity on or from any premises otherwise than under and in accordance with an authorisation or he knowingly allows a licensable activity to be so carried on.
- 26 A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine or both.

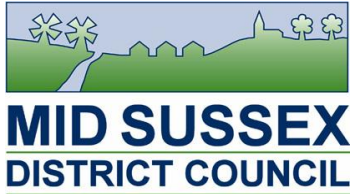
### **Sustainability Implications**

- 27 None

### **Background Papers**

- Appendix 1 – Application for Review
- Appendix 2 – Current Premises Licence
- Appendix 3 – Site Photos
- Appendix 4 – Papers relating to Trading Standards application
- Appendix 5 – WSCC Public Health Representation
- Appendix 6 – Sussex Police Representation
- Appendix 7 – Police suggested conditions

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## LICENSING AUTHORITY

Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath RH16 1SS

### 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 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, Peter Aston, apply for the review of a Premises Licence under Section 51/apply for the review of a Club Premises Certificate under Section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

#### Part 1 – Premises or club premises details

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

KK News Ltd TA Sparks News 56 Queens Road

**Post town** Haywards Heath

**Post code (if known)** RH16 1EE

**Name of Premises Licence holder or Club holding Club Premises Certificate (if known)**

Lakminy Thambu Kandasamy

**Number of Premises Licence or Club Premises Certificate (if known)**

PWA0551

#### Part 2 – Applicant details

I am

Please tick ✓ yes

- 1) An individual, body or business which is not a Responsible Authority (please read guidance note 1, and complete (A) or (B) below)
- 2) A Responsible Authority (please complete (C) below)

x

3) A member of the Club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title (For example, Rev)

Surname

First names

Please tick ✓ yes

I am over 18 years old or over

Current postal address if different from premises address

Post town

Postcode

Daytime contact telephone number

Email address (optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address

Peter Aston  
Trading Standards Team Manager  
Trading Standards, West Sussex County Council  
4th Floor, Parkside, Chart Way, Horsham, West Sussex, RH12 1XH

Telephone number (if any) [REDACTED]

E-mail (optional) [REDACTED]@westsussex.gov.uk

**This application to review relates to the following licensing objective(s)**

**Please tick one or more boxes ✓**

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review** (please read guidance note 2)

West Sussex County Council Trading Standards Service (the 'responsible authority') contends the following licensing objectives have been undermined by the carrying on of licensable activities at these premises:

- the prevention of crime and disorder
- the protection of children from harm

Full particulars in support of the application are to be found in the next section.

**Please provide as much information as possible to support the application** (please read guidance note 3)

On 30<sup>th</sup> January 2023 West Sussex County Council Trading Standards (WSCCTS) Service received a report that Sparks News in Queens Road Haywards Heath openly sells vapes and liquids to children in school Oathall Communications College uniform, every day after school. The report also stated that this was causing litter and unsocial behaviour for local residents.

Between 26<sup>th</sup> and 30<sup>th</sup> March 2023 WSCCTS received three complaints about the business trading at Sparks News 56 Queens Road selling alcohol and e-cigarettes to 15 and 16-year-old children regularly.

On 30<sup>th</sup> March 2023 Mid Sussex Licencing authority provided advice on the licensing objectives to Miss Lakminy Thambu Kandasamy. (Miss Kandasamy) Miss Kandasamy has been the Designated Premises Supervisor (DPS) at Sparks News 56 Queens Road Haywards Heath, West Sussex RH16 1EE since 11<sup>th</sup> March 2017, when the premises licence was issued. The mandatory conditions of the

premises licence include a challenge 25 policy, whereby anyone looking under 25 must be asked for identification to verify that they are over 18 years of age. The premises licence also requires the business to regularly train staff, with this being documented. This documentation must be readily available for inspection by officers.

On 3<sup>rd</sup> April 2023 WSCCTS carried out an advice visit to Sparks News 56 Queens Road Haywards Heath, West Sussex, RH16 1EE. It was established that the business has been run by KK News Limited, who had been trading there for the last 2 years. Mr K Murugaivan, an employee, was advised on under age sales, also the owner was spoken to on the phone. The owner gave her name as Minnie, understood to be Miss Kandasamy, and provided the company information. Miss Kandasamy was given advice on under age sales, including being sign posted to the Business Companion website. This website provides businesses with advice on how to comply with consumer protection legislation. Miss Kandasamy was advised that test purchases of age restricted products would take place and if they sold a licence review would be applied for. The DPS was confirmed as Lakminy Thambu Kandasamy.

During the advice visit a refusals log appeared to be in use, as well as a till prompt and identity accepted was appropriate. However, the challenge 25 policy was not in place. Challenge 25 posters were provided to the business. No training records were in place, but it was said that verbal training had been completed. The business was advised to ensure they complete signed records of any training completed.

On 6<sup>th</sup> April 2023 a follow up letter of advice on age restricted sales was sent to Lakminy Kandasamy's email [REDACTED]. The letter included advice on; asking for identification to prove age when selling age restricted products, the challenge 25 policy, refusals logs and staff training. At the end of the email was a link to the business companion website.

On 24<sup>th</sup> May 2023 at approximately 12:04 Officers from WSCCTS visited Sparks News 56 Queens Road, Haywards Heath, West Sussex, RH16 1EE as part of a controlled test purchasing operation. Officers witnessed an employee, who gave his name as Mr Morgkyin sell a bottle of Blue WKD, an alcoholic drink, to a child under the age of 18. This sale is contrary to Section 146 of the Licensing Act 2003. It was witnessed that the seller did not ask the volunteer for their age or ask them for any identification.

Immediately after the sale Mr Morgkyin was interviewed under caution. He was hard of hearing and his English speaking was limited as it did not appear to be his first language. He did seem to understand what under age sales were but thought the volunteer was 18. He showed us the till prompt and was able to provide the refusals log. The refusal log showed usage since 03/04/2023, when Trading Standards conducted an advice visit, with the last entry on 20/05/2023. The shop had a steady flow of customers, so daily refusals would be expected, but this is not the case. Training logs could not be found, Mr Morgkyin said these may be upstairs. He was apologetic and stated that he usually checks identification when selling age restricted products.

KK News Ltd director Miss Kandasamy responded to a formal written interview request and stated that both herself and staff member Jeyarajah have personal licences. This has been confirmed by the issuing councils. Miss Kandasamy confirmed that she is the owner and responsible for the day to day running of the business, so she stated that she can speak on behalf of the company.

The reason given for the sale was that the volunteer looked over 21 years old. This is contrary to the mandatory licence condition to have in place a challenge 25 policy. Miss Kandasamy stated that there is a policy to read and explain about under age sales every week. This was not provided when requested during the visit on 24/05/2023, despite the premises licence mandatory condition that



records should be readily available for inspection. Miss Kandasamy stated that council officers gave the business the procedures for age restricted sales, indicating that procedures have not been implemented by Miss Kandasamy. She states that she has had external and online training for age restricted sales. The training logs provided by Miss Kandasamy include one for Kalyanasundaram Murugaiyan who joined 15/04/2019 but the date of initial training/induction is stated to be on 21/04/2023. The training log says it includes training on who the licence holder and DPS are, where the licence is, authorisation to sell alcohol, age verification and refusal log. It appears this training was been repeated on 01/06/2023 and 23/06/2023.

Another training log for G Jeyarajah was provided by Miss Kandasamy. This states that this person joined on 19/07/2021 and was trained on 21/04/2023, 01/06/2023 and 25/06/2023. The employees and Miss Kandasamy have signed all of the training logs, which all state that the training includes licensing objectives, an age verification policy and refusal logs.

A signed designated supervisor staff authorisation form has been provided to show that Miss Kandasamy has given advice to Mr Murugaiyan and Govindapillai Jeyarajah about age restricted sales, when authorising them on 21/04/2023, 01/06/2023 and 23/06/2023.

A premises Age Verification Policy has been provided that confirms Miss Kandasamy is the responsible person for the business in relation to age restricted sales, this was signed on 21/04/2023. Further refusal logs have been provided showing it has been in use since 24/05/2023 until 13/06/2023, with various staff refusing mostly e-cigarettes sales. It is stated that the log is checked weekly, these logs have been signed off by Miss Kandasamy or G Jeyarajah at the end of each page.

Photographs of the tobacco notice, and the challenge 25 policy displayed at Sparks News have been provided along with photographs of the till prompt, as evidence of these being in place. Miss Kandasamy states that a DPS or personal licence holder will remain in the shop and supervise sales to prevent the sale of age restricted products to minors. She also states that the CCTV is monitored daily.

Under section 146 of the Licensing Act 2003 it is a criminal offence to sell alcohol to a person who is under the age of 18 years old. Miss Kandasamy admits the offence has been committed by herself and the company, she apologises for the sale that took place on 24/05/2023.

Despite being trained with a personal licence since 25/06/2008 and being a DPS at Sparks News since 11/03/2017 Miss Kandasamy has not put adequate due diligence procedures in place until Trading Standards visited on 03/04/2023. Miss Kandasamy left her staff untrained for years after they joined the business, allowing them to sell age restricted products without knowledge of how to ensure children are protected from harm. The challenge 25 policy is a mandatory condition of the premises licence and still has not been complied with.

The Responsible Authority do not have confidence the licensing objectives are or will be promoted by the continuation of licensable activities at these premises and deem it both proportionate and necessary to invite the committee to consider a review of the premises alcohol licence, to limit further criminal activity by the licence holder and to act as a deterrent against such illegal conduct.

Home office guide (Revised Guidance issued under section 182 of the Licensing Act 2003 ([publishing.service.gov.uk](https://publishing.service.gov.uk))) on protecting children from harm states that:

2.29 Licensing authorities should give considerable weight to representations about child protection matters.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.

11.28 It is envisaged that.....responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

It's contended that the sale/supply alcohol in the circumstances outlined above is a breach of the licencing objectives and the licensee has failed in their responsibilities to protect children from harm. The Responsible Authority respectfully suggest an appropriate outcome of the review would be a revocation of the premises licence.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day		Month		Year			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick ✓ yes

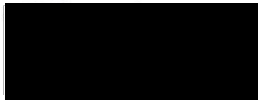
- I have sent copies of this form and enclosures to the Responsible Authorities and the Premises Licence holder or Club holding the Club Premises Certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, 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 4)

**Signature of applicant or applicant’s Solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 24/08/23

Capacity Trading Standards Team Manager

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Post town

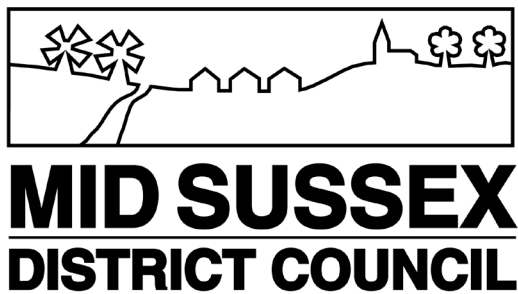
Post code

Telephone number (if any)

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

**Notes for Guidance**

1. A Responsible Authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example Solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Licensing Section  
Oaklands  
Oaklands Road  
HAYWARDS HEATH  
West Sussex  
RH16 1SS

Licensing Act 2003  
**Premises Licence**  
**PWA0551**

**Part 1 - Premises Details**

Postal address of Premises / Ordnance Survey map reference / Description of site

**Sparks News**  
56 Queens Road  
Haywards Heath  
West Sussex  
RH16 1EE

Telephone: [REDACTED]

Where the Licence is time limited - the dates

Commences :- 11 March 2017

Licensable Activities authorised by the Licence and the times the Licence authorises the carrying out of Licensable Activities

**Sale by retail of alcohol**  
Everyday 06:00 - 20:30

The opening hours of the Premises

**Everyday** 05:30 - 20:30

Where the Licence authorises supplies of alcohol whether these are On and / or Off supplies

Alcohol is supplied for consumption **off** the Premises

**Part 2**

Name, (registered) Address, Telephone number and Email (where relevant) of holder of Premises Licence

Miss Lakminy Thambu Kandasamy  
Sparks News  
56 Queens Road  
Haywards Heath  
West Sussex  
RH16 1EE

Telephone: [REDACTED]

Electronic Mail: [REDACTED]

Registered number of holder of premises licence (if applicable)

Name, Address and telephone number of Designated Premises Supervisor if the Premises Licence authorises the supply of Alcohol

Miss Lakminy Thambu Kandasamy

Personal Licence number and Issuing Authority of Personal Licence held by Designated Premises Supervisor where the Premises Licence authorises for the supply of Alcohol

Personal Licence Reference: PA0783

Licensing Authority: Mid Sussex District Council

### Annex 1 - Mandatory Conditions

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

- |          |  |
|----------|--|
| <b>1</b> | <p>No supply of alcohol may be made under this licence:-</p> <ul style="list-style-type: none"> <li>(a) At a time when there is no designated premises supervisor in respect of the premises licence; or</li> <li>(b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.</li> </ul>  |
| <b>2</b> | <p>Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p>   |
| <b>3</b> | <ul style="list-style-type: none"> <li>1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</li> <li>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. <ul style="list-style-type: none"> <li>a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:- <ul style="list-style-type: none"> <li>(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),</li> <li>(ii) or drink as much alcohol as possible (whether within a time limit or otherwise);</li> </ul> </li> <li>b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;</li> <li>c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;</li> <li>d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;</li> <li>e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).</li> </ul> </li> </ul> |
| <b>4</b> | <p>The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available. <i>(This condition does not apply to premises licensed for the sale of alcohol for consumption OFF the premises only)</i></p>  |
| <b>5</b> | <ul style="list-style-type: none"> <li>1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.</li> </ul>   |

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- 2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- 3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
  - a) A holographic mark or
  - b) An ultraviolet feature

The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

#### **Minimum Pricing Drinks**

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- 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) In this condition:–
  - (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
    - (iii) were charged on the date of the sale or supply of the alcohol, and 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,
    - (iii) or the personal licence holder who makes or authorises a supply of alcohol under such a licence; and



- (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.

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**If the Premises Licence/Club Premises Certificate allows Exhibition of Films**

The admission of persons under the age of 18 to the exhibition of films must be restricted in accordance with any recommendation of the *British Board of Film Classification*, or, where there is no such recommendation or the licensing authority has notified the holder that section 20(3)(b) of the Licensing Act 2003 applies to the film, the recommendation of the licensing authority.

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**If the Premises Licence has conditions in respect of Door Supervisors**

- 1) Each individual, who in accordance with a condition on the premises licence, is present at the licensed premises to carry out a security activity must:
  - a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - b) be entitled to carry out that activity by virtue of section 4 of that Act.
- 2) "security activity" means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 applies, and which is licensable conduct for the purposes of that Act).

**Conditions consistent with the operating schedule**

1. The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. Signage advertising the policy will be displayed at the point of sale as a minimum.
2. 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 to cover the servery, alcohol storage area and the entrance to the premises as a minimum. The system shall be on and recording at all times the premises licence is in operation.
  - a. The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

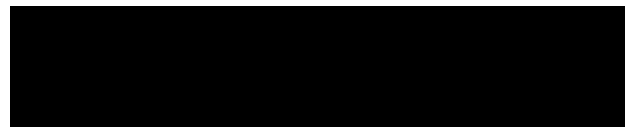
- b. CCTV footage will be stored for a minimum of 31 days.
  - c. The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
  - d. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - e. Subject to Data Protection 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 for the police without difficulty or delay and without charge to Sussex Police.
3. The premises shall at all times maintain and operate a sales refusals log and an incident log book. These will be kept to record all refusals and incidents of crime or disorder. These records shall be kept for a minimum of twelve months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff
4. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed and refresher training thereafter at intervals of no more than six months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff

**Conditions attached after a hearing by the Licensing Committee**

**Plan of premises**

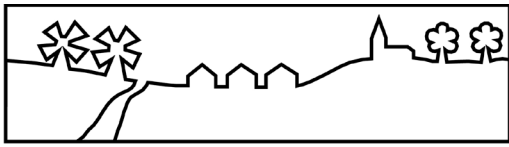
See attached

Signature of authorised officer



Date of Issue: 11 March 2017

Date printed: 3 May 2017



# MID SUSSEX DISTRICT COUNCIL

Licensing Team  
Oaklands  
Oaklands Road  
HAYWARDS HEATH  
West Sussex  
RH16 1SS

Licensing Act 2003

## Premises Licence Summary PWA0551

### Premises Details

#### Postal Address of Premises / Ordnance Survey map reference / Description of site

**Sparks News**  
56 Queens Road  
Haywards Heath  
West Sussex  
RH16 1EE

#### Where the Licence is time limited - the dates

Commences:- 11 March 2017

#### Licensable Activities authorised by the Licence and the times the Licence authorises the carrying out of Licensable Activities

##### **Sale by retail of alcohol**

Everyday 06:00 - 20:30

#### The opening hours of the Premises

**Everyday** 05:30 - 20:30

#### Where the Licence authorises supplies of alcohol whether these are On and / or Off supplies

Alcohol is supplied for consumption **off** the Premises

#### Name and (registered) address of holder of premises licence

Miss Lakminy Thambu Kandasamy  
Sparks News  
56 Queens Road  
Haywards Heath  
West Sussex  
RH16 1EE

#### Registered number of holder of premises licence (if applicable)

#### Name of Designated Premises Supervisor where the Premises Licence authorises the supply of alcohol

Miss Lakminy Thambu Kandasamy

#### State whether access to the Premises by children is restricted or prohibited

# UK POLICE REQUIREMENTS FOR DIGITAL CCTV SYSTEMS

This document offers guidance to potential users of digital CCTV systems, where the pictures are intended to be used by the police or are likely to be used in an investigation. For CCTV recordings to be effective in detecting and investigating crime they must be fit for purpose and easily accessible by police investigators. For digital CCTV there are four main areas that must be considered:

**QUALITY** - are the pictures good enough?

**STORAGE** - are the pictures stored appropriately?

**EXPORT** - can the pictures be easily exported from the system?

**PLAYBACK** - can the pictures be easily viewed by authorised third parties?

By ensuring that your digital CCTV system is capable of meeting a few simple requirements, the potential evidential value of the pictures can be greatly increased and the time taken by the police to access and process them greatly reduced. Supporting notes are provided on the reverse of this sheet to clarify the requirements.

## QUALITY WHAT RESOLUTION? WHAT COMPRESSION? HOW MANY PICTURES PER SECOND?



1. Specify your requirement - decide what you want to see and where, and select a system that will do it.
2. View the recorded pictures or print out, not the live screen, to assess the system performance.
3. The system clock should be set correctly and maintained (taking account of GMT and BST).
4. Picture quality should not be reduced to fit the available storage capacity of the system.
5. Regular maintenance should be conducted on all aspects of the system.

## STORAGE WHAT SHOULD I KEEP? HOW SHOULD I KEEP IT?



6. The system should be operated and recorded pictures retained in a secure environment.
7. Electronic access controls, such as passwords or encryption, should not prevent authorised access to the system or recordings.
8. The system should have sufficient storage capacity for 31 days good quality pictures.
9. The system should be capable of securing relevant pictures for review or export at a later date.

## EXPORT HOW MUCH VIDEO SHOULD THE SYSTEM EXPORT AND IN WHAT FORMAT?



10. A system operator should be available who is able to replay and export recordings.
11. A simple system operator's manual should be available locally to assist with replay and export.
12. The operator should know the retention period of the system and export time for various amounts of data.
13. The system should be able to quickly export video and stills to a removable storage-medium, with time and date integral to the relevant picture.
14. Export should include any software needed to view or replay the pictures.
15. The system should have an export method proportionate to the storage capacity.
16. Pictures should be exported in the native file format at the same quality that they were stored on the system.

## PLAYBACK CAN THE PICTURES BE EASILY VIEWED?



17. The playback software should:
  - have variable speed control including frame by frame, forward and reverse viewing;
  - display single and multiple cameras and maintain aspect ratio i.e. the same relative height and width;
  - display a single camera at full resolution;
  - permit the recording from each camera to be searched by time and date;
  - allow printing and/or saving (e.g. bitmap) of pictures with time and date.
18. The time and date associated with each picture should be legible.
19. Once exported to removable media it should be possible to replay the files immediately.

## Supporting Notes:

### QUALITY - are the pictures good enough?

1. Before installing a CCTV system you should have a clear idea of what you want the system to do and how it should perform. This should include exactly what you want to see and where, e.g. recognise the face of someone walking through a doorway, read a vehicle registration number or record a particular type of activity, such as walking across a room, exchange of money or an assault. More detailed guidance on how to do this can be found in PSDB publication 17/94 CCTV Operational Requirements Manual. This is available free from the Home Office website. [http://www.homeoffice.gov.uk/docs/or\\_manual.pdf](http://www.homeoffice.gov.uk/docs/or_manual.pdf)

There are no definitive performance criteria for video to be legally admissible. It is for the court to decide whether the pictures are accepted, and this is done on the grounds of relevance to the case, reliability of the evidence, etc. The appropriate resolution, level of compression and number of pictures per second will be determined by what you wish to see in the recording. If you can't see it then it's not fit for purpose. It should not be expected that enhancement features, such as zoom controls, will provide extra detail.

A good way to ensure that the system is capable of achieving the requirement is to do a subjective test. Set-up a camera and get a volunteer to walk through the door or park a car in the place of interest and record the pictures. This should be done under the conditions that the system is intended to be used - performance of the system may be different when there are a number of cameras being recorded.

2. The quality of the recorded or printed pictures may differ from the live display.
3. Time and date information is often critical to an investigation. If it is incorrect this can drain police time and resources.
4. The quality of the pictures should not be compromised to allow more to be squeezed onto the system. There is some scope however for using a sliding scale of image quality based on time since recording. For example, high quality high frame rate video for the first 24 hours with gradually increasing compression or decreasing frame rate after this, but retaining useful images up to 31 days. This would be dependent on the nature of the installation and the type of recordings being made. Guidance should be sought from your local police force.
5. To ensure continued quality of recording it is essential that regular maintenance of all aspects of the system be conducted - especially camera focus, cleaning of lenses, housings, etc.

### STORAGE - are the pictures stored appropriately?

6. Access to the system and recorded images should be controlled to prevent tampering or unauthorised viewing. A record should be kept of who has accessed the system and when. Further information on this can be found in the BSI document 'Code of Practice for Legal Admissibility of Information Stored Electronically' (BIP0008) or from your local Crime Prevention Officer.

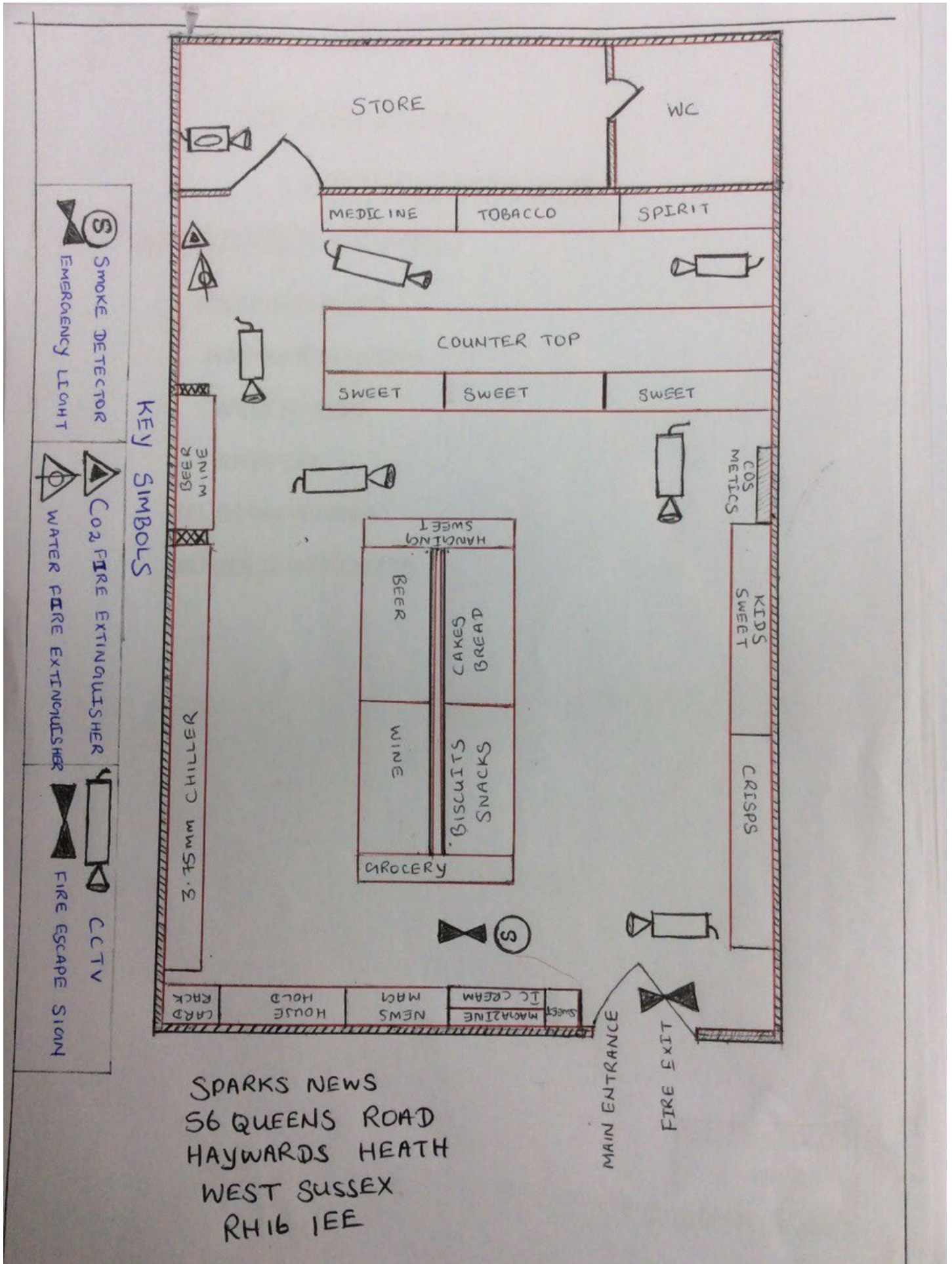
7. Electronic protection methods that require proprietary software or hardware will hinder an investigation if they prevent the pictures from being provided to authorised third parties, e.g. police and CPS. Physical methods of access control, e.g. system in a locked room, are just as effective if documented appropriately.
8. It is important that recordings cover a sufficiently long period to assist in investigations. Retention beyond 31 days may be useful in some circumstances, but should not affect the quality of the more recent recordings.
9. It should be possible to protect specific pictures or sequences, identified as relevant to an investigation, to prevent overwriting before an investigator can view or extract them.

### EXPORT - can the pictures be easily exported from the system?

10. and 11. It is unlikely that the investigator will be familiar with the operation of your system. To facilitate replay and export a trained operator and simple user guide should be available locally.
12. and 13. Export of medium and large volumes of data can take a substantial period of time. The operator should know the retention period of the system and approximate times to export short (e.g. 15 minutes), medium (e.g. 24 hours), and large (up to all of the system) amounts of data.
14. If the software needed to replay the pictures is not included at export, viewing by authorised third-parties can be hindered. Export of a system event log or audit trail, and any system settings with the pictures will assist with establishing the integrity of the pictures and system.
15. The amount of video that an investigator will need to export will be dependent on the nature of the investigation. For example a shop robbery may only require a few stills or a short sequence, however a more serious incident such as a murder or terrorist related enquiry may require anything up to all the video contained on the system to be exported. It is essential that the system is capable of doing this quickly and to an appropriate medium. An ideal solution for medium-to-large downloads, would be for the system to have the facility to export to a 'plug-and-play' hard drive. Export and recording should be possible at the same time without affecting the performance of the system.
16. The system should not apply any compression to the picture when it is exported from the system as this can reduce the usefulness of the content. Also, the picture should not undergo any format conversion that affects the content or picture quality.

### PLAYBACK - can the pictures be easily viewed by authorised third parties?

17. and 18. The replay software must allow the investigator to search the pictures effectively and see all the information contained in the picture and associated with it.
19. It should be possible to replay exported files immediately e.g. no re-indexing of files or verification checks.



Views to the front of the store





View to the right upon entering the store





View straight ahead from entrance.



Alcohol display left hand aisle.



Alcohol display opposite last photo



Further view towards counter



Closer view of counter



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**STATEMENT OF WITNESS**

*(Criminal Procedure Rules 2020, Rule 16.2,  
Criminal Justice Act 1967, s. 9)*

STATEMENT OF: MISS NATASHA ZARA ALI

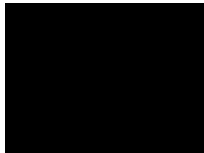
Age of witness (if over 18, enter "over 18"): OVER 18

Occupation of Witness: TRAINEE TRADING STANDARDS OFFICER

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

Dated the 7th day of August 2023

Signed



---

I am currently employed as a Trainee Trading Standards Officer within West Sussex County Council (WCSS) Trading Standards Service.

On the 3<sup>rd</sup> of April 2023, following an allegation of underage sales, I visited KK News Limited t/a Sparks News, 56 Queens Road, Haywards Heath, West Sussex, RH16 1EE. I spoke with the shop employee, who is called Mr MURUGAIVAN and explained why I had come to visit. Mr MURUGAIVAN rang the owner and I spoke to the owner who was Miss L KHANDASAMY.

I spoke to Miss L KHANDASAMY, the owner of Sparks News, and explained the reason why WSCC Trading Standards was visiting her business. I explained to Miss KHANDASAMY that I would be checking Spark News procedures to prevent age underage sales.

I then told Miss L KHANDASAMY that we will be doing a test purchase with a volunteer in future, and if Sparks News fails our test purchase, it could result in an alcohol licence review or revocation. Miss L KHANDASAMY gave me her contact

details and her email address. I explained that I would send her a follow up advice letter via email.

A Notice of Powers and Rights (61468) was filled in with Mr MURUGAIVAN, who is a shop employee of Sparks News.

Key points were discussed and checked with Mr MURUGAIVAN. I checked the shops refusal log, the last entry entered was on 03/04/2023 and was for an Elf bar. I added a Trading Standards entry to the refusal log. The next check was what ID is accepted, Mr MURUGAIVAN explained passport, driving licence. I advised not to use any mobile apps or phone ID. I located the statutory tobacco sign. I gave a replacement statutory tobacco as Mr MURUGAIVAN requested. There was no Under 25 posters present, I gave Mr MURUGAIVAN an Under 25 poster to be put up in the premise and explained what the age policy meant. I checked that there was CCTV present in the premise, there was inside and outside the business.

I asked Mr MURUGAIVAN about any training logs, he explained that he has had verbal training and that there is no signed training log. I gave two Business Companion handouts to Mr MURUGAIVAN, which are for Alcohol and Tobacco and Nicotine Inhaling products. I explained to read these handouts every month to refresh training and to make a log of this. The last check I made was regarding till prompts, there was till prompts present.

Mr MURUGAIVAN signed the visit report at the end (4682), and a copy was given to him.

At approximately 1718 hours, I exited Sparks News.

On the 6<sup>th</sup> April 2023 I sent a follow up advice letter, via email, to Miss L KHANDASAMY's [REDACTED]

On the 6<sup>th</sup> April 2023, Miss L KHANDASAMY confirmed she received the follow up advice letter that was sent to her email [REDACTED]

I produce as evidence the following:

Notice of Powers and Rights (61468) which is exhibited as **NA/SN/1**

Visit report (4682) which is exhibited as **NA/SN/2**

Follow up advice letter which is exhibited as **NA/SN/3**.

On 24th May 2023, I participated in an underage sales test purchase day, with three colleagues, Laura SANDERS (Senior Trading Standards Officer), Elaine LUCAS (Senior Trading Standards Officer) and Peter LEGGETT (Trainee Enforcement Officer). A volunteer who is a 17-year-old female participated in the underage sales test purchase day, under the instruction and supervision of WSCC Trading Standards. The purpose of this operation is to make sure that West Sussex businesses are compliant with the procedures set out for age restricted products to children under the age of 18.

Prior to visiting the businesses, we briefed the volunteer and took photographs of her appearance that day. The volunteer is assigned a unique code "NZA1" to protect her identity.

At approximately 1204 hours, I saw Ms LUCAS and Mrs SANDERS enter KK News Limited t/a Sparks News, 56 Queens Road, Haywards Heath, West Sussex, RH16 1EE. I witnessed the volunteer enter Sparks News a few seconds after.

At approximately 1206 hours I witnessed the volunteer coming out of KK News Limited t/a Sparks News, 56 Queens Road, Haywards Heath, West Sussex, RH16 1E with one bottle of WKD Blue (700 ml). The volunteer handed the bottle of WKD Blue (700ml) to me. The volunteer and I went back to the operational car. I saw Ms LUCAS and Mrs SANDERS return to the operational car. The bottle of WKD Blue (700ml) is given to Ms LUCAS.







## STATEMENT OF WITNESS

*(Criminal Procedure Rules 2020, Rule 16.2,  
Criminal Justice Act 1967, s. 9)*

STATEMENT OF: Elaine Sarah LUCAS

Age of witness (if over 18, enter "over 18"):

Occupation of Witness: Senior Trading Standards Officer

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.

Dated the 7<sup>th</sup> day of July 2023

Signed



---

I am the above named person and I am employed as a Senior Trading Standards Officer within West Sussex County Council Trading Standards Service. I have held this post since 20<sup>th</sup> February 2023 and previously worked within Hampshire and Southampton Trading Standards since 2008.

On 24<sup>th</sup> May 2023 I lead an underage sales test purchase operation with assistance from Senior Trading Standards Officers Laura Sanders and Trainee Trading Standards Officers Natasha Ali and Peter Leggett.

The purpose of this operation was to inspect West Sussex business' compliance with legislation that prevents the sale of age restricted products to children under 18.

A volunteer who is 17 years old participated in the Underage sales test purchase day, under the instruction and supervision of WSCC Trading Standards. The volunteer was assigned a unique code "NZA1" to protect their identity.

At approximately 12:04 I entered Sparks News 56 Queens Road Haywards Heath, West Sussex RH16 1EE with Laura Sanders. NZA1 entered the shop shortly after

us. I witnessed a man of Asian appearance, about 40 years old and approximately 5ft 9 sell a bottle of Blue WKD to NZA1. NZA1 then exited the shop. I purchased a sundry item and left the shop with Laura Sanders at approximately 12:09.

NZA1 handed the bottle of blue WKD to me, which I could see contained alcohol. I sealed the bottle in an evidence bag, I produce the bottle as **ES/SN/1**.

At approximately 12:12 I returned to Sparks News with Peter Leggett. The seller was still present and when asked gave his name as Morg KYIN and a date of birth of [REDACTED]. I informed the seller that he had sold alcohol to a child and that it was a criminal offence so I needed to ask a number of questions under caution. Morg KYIN (KYIN) was very difficult to understand due to English not being his first language. KYIN showed me he had hearing aids, so appeared to be hard of hearing. I spoke loudly to caution KYIN at 12:15, then asked him how often he works in the shop, to which he replied 3 days.

When I asked KYIN who the owner was he pointed to a health and safety training certificate on the wall, which showed the name Lakminy PAHIRATHASEELAN. It later was confirmed by KYIN that PAHIRATHASEELAN was the manager and that Lakminy THAMBU KANDASAMY (KANDASAMY) is the owner. KYIN was able to state to me that he knew alcohol, vapes and cigarettes are age restricted and that he should not sell to those under 18 year olds, he told me that he thought NZA1 was 18 years old. KYIN was able to demonstrate the till prompt to ask for identification.

KYIN also provided a refusals log on request. Peter Leggett took photographs of the log, I refer to PL-Photo-1 to 4. KYIN was asked for a training log but he could not find it and said it might be upstairs, where he lives. I noted that there were cameras above the till area, KYIN stated he could not operate the CCTV. KYIN stated that the owner would be at the shop at 3pm. I advised that we would be in contact with the owner about the underage sale.

I left the shop at approximately 12:35, with Peter Leggett.

On 21/06/2023 I sent out a formal interview to KANDASAMY, under the Police and Criminal Evidence Act 1984. On 06/07/2023 KANDASAMY sent me a response by post, including a number of documents that I produce below.

A copy of the Mid Sussex District Council Best Practice Guidance document for licenced premises, I produce as **ESL/1**.

Staff training records for MURUGAIYAN and JEYARAJAH, I produce as **ESL/2**.

DPS Sale of alcohol staff authorisation, I produce as **ESL/3**.

Premises Age Verification Policy, I produce as **ESL/4**.

Refusals register, I produce as **ESL/5**.

Photographs of tobacco notices and challenge 25 policy posters, I produce as **ESL/6**.

Photograph of the till prompt, I produce as **ESL/7**. 

Statement obtained by (print name): Elaine Sarah Lucas

**Witness details**

Address: WSCC, PARKSIDE, CHART WAY, HORSHAM, RH12 1XH

Email address: [redacted]@westsussex.gov.uk

Mobile number: [redacted]

Other number(s): [redacted]

Date and place of birth: [redacted] [redacted]

Maiden name: [redacted]

Dates to be avoided. Delete dates of non-availability of witness:

Month of :							Month of :							Month of :						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				
Month of :							Month of :							Month of :						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

Contact details if different from above

Address:

Email address:

Mobile number:

Other number(s):

**CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996**

Record below anything that may affect the credibility of the person making this statement, e.g.; previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated the 07<sup>th</sup> July 2023

Signed [redacted]

## STATEMENT OF WITNESS

(Criminal Procedure Rules 2020, Rule 16.2,  
Criminal Justice Act 1967, s. 9)

STATEMENT OF: Peter Russell LEGGETT

Age of witness (if over 18, enter "over 18"): Over 18

Occupation of Witness: Trading Standards Trainee Officer

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

Dated the 25<sup>th</sup> day of May 2023

Signed \_\_\_\_\_

*I am the above named person and I am employed as a Trading Standards Trainee Officer within West Sussex County Council Trading Standards Service. I have held this post since 18th April 2023.*

On 24<sup>th</sup> May 2023 I was involved in an underage sales test purchase operation with Senior Trading Standards Officers Elaine LUCAS, Laura SANDERS and Trainee Trading Standards Officers Natasha ALI.

The purpose of this operation was to inspect West Sussex business' compliance with legislation that prevents the sale of age restricted products to children under 18.

A volunteer who is 17 years old participated in the Underage sales test purchase day, under the instruction and supervision of WSCC Trading Standards. The volunteer was assigned a unique code "NZA1" to protect their identity.

At approximately 12:06 I witnessed NZA1 exit Sparks News 56 Queens Road Haywards Heath, West Sussex RH16 1EE with a bottle of Blue WKD. NZA1 then

came to meet myself and Natasha ALI. Laura SANDERS and Elaine LUCAS exited the shop a couple of minutes later.

I accompanied Elaine LUCAS back into the shop at approximately 12:11 . Elaine LUCAS showed the blue bottle of WKD which NZA1 had purchased. Elaine LUCAS then cautioned the seller. The seller didn't speak very good English but gave his name as Morg KYIN and a date of birth of [REDACTED].

Whilst Elaine LUCAS was questioning KYIN he showed us the refusals log. I took 4 photographs of the log using my work mobile phone Samsung Galaxy. I now produce a photo of the refusal log date between 28/4/23 - 24/5/23 as PL-Photo-1. I now produce a photo of the refusal log date between 13/4/23 – 25/4/23 as PL-Photo-2. I now produce a photo of the refusal log date between 8/4/23 – 13/4/23 as PL-Photo-3. I now produce a photo of the refusal log date between 3/4/23 – 8/4/23 as PL-Photo-4.

I exited the shop with Elaine LUCAS at approximately 12:35

Statement obtained by (print name): Peter Leggett

**Witness details**

Address: WSCC, PARKSIDE, CHART WAY, HORSHAM, RH12 1XH

Email address: [REDACTED]@westsussex.gov.uk

Mobile number: [REDACTED]

Other number(s):

Dates to be avoided. Delete dates of non-availability of witness:

Month of :							Month of :							Month of :						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				
Month of :							Month of :							Month of :						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

Contact details if different from above

Address:

Email address:

Mobile number:

Other number(s):

**CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996**

Record below anything that may affect the credibility of the person making this statement, e.g.; previous convictions, relationship to defendant. If there is nothing state 'none' below.

**None**

Dated the 25<sup>th</sup> day of May 2023

Signed [REDACTED]

## STATEMENT OF WITNESS

*(Criminal Procedure Rules, Rule 16.2,  
Criminal Justice Act 1967, s. 9)*

STATEMENT OF: **MRS LAURA ANNE SANDERS**

Age of Witness: **Over 18**

(If over 18 enter "over 18")

Occupation of Witness: **SENIOR TRADING STANDARDS OFFICER**

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.

Dated the 3<sup>rd</sup>       day of August                       2023

Signed 

---

I am employed as a Senior Trading Standards Officer with West Sussex County Council Trading Standards Service.

On the 24<sup>th</sup> May 2023, I participated in an Underage sales test purchase day, with three colleagues, Ms Elaine LUCAS (Senior Trading Standards Officer), Miss Natasha ALI (Trainee Trading Standards Officer) and Peter LEGGETT (Trainee Enforcement Officer). A volunteer who is a 17-year-old female participated in the Underage sales test purchase day, under the instruction and supervision of WSCC Trading Standards. The purpose of this operation is to make sure that that West Sussex businesses are compliant with the procedures set out for age restricted products to children under the age of 18.

Prior to visiting the businesses, we met with the volunteer at our offices in Horsham, where we briefed her and took photographs of her appearance that day. The volunteer is assigned a unique code "NZA1" to protect her identity.



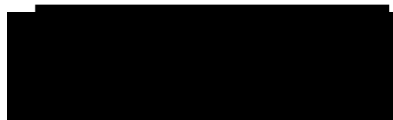
At approximately 1204 hours, Ms LUCAS and I entered Sparks News 56 Queens Road Haywards Heath, West Sussex RH16 1EE. A few seconds after we entered, I observed the volunteer enter the store. I witnessed the volunteer pick up a bottle and go up to the till where she was sold a bottle of Blue WKD by a male working behind the till before then leaving the premise. The seller did not ask the volunteer for any ID. Ms LUCAS purchased some sweets and we then left the shop at approximately 12:06.

The seller was male, approximately 30 years of age, of medium build, Asian and was wearing glasses.

Ms LUCAS and I returned to the operational vehicle where the bottle of alcohol was placed into an evidence bag and I observed Ms LUCAS complete the information on the evidence bag.

Ms LUCAS and Mr LEGGETT returned to the premise to interview the seller and Ms ALI and I waited in the vehicle with the volunteer. At approximately 1236, Ms LUCAS and MR LEGGETT returned to the vehicle.

Later that day, when we returned to the office, the bottle of alcohol sold to the volunteer was placed into our evidence room.





**Notice of Powers and Rights**

61468

Recipient: MURUGAIIVAN K  
Premises: SPARKS NEWS, 56 Queens Road, RH16 1EG  
WEST SUSSEX

Date & time of visit: 03/04/2023  
Date advance notice given: (if applicable) unannounced - no answer for appointment.  
Purpose of visit: VAS advice visit

Officer Name: Natasha Ali Tel Number: [REDACTED]  
Other Persons Present: [REDACTED]

**Part A: Activities carried out using Statutory Powers**

Entry using:  Statutory powers  Court warrant (copy attached)

Legislation:  
 Consumer Rights Act 2015  Food Safety Act 1990  Other (specify below)

The powers used in respect to the legislation listed above have been summarised as far as practicable on the reverse of this Notice together with a summary of your rights.

**Part B: Activities carried out with the consent of the owner/occupier**

I am employed by West Sussex County Council's Trading Standards Service and with your permission I wish to inspect goods, records and documents held on these premises.

You should be aware:

1. You are not obliged to consent to such activity, and you can withdraw your consent at any time before the visit is concluded
2. Any goods, record or documents obtained may be used in evidence in court proceedings
3. You are not suspected of any offence (delete if inapplicable)

**I hereby consent to the officer(s) named above inspecting any goods, records or documents held on the above named premises. I have read and understand the warning above.**

Signature: ..... Print Name: .....

Job Title / Position within Company: .....

**I acknowledge receipt of a copy of this document**

Signature: [REDACTED] Print Name: .....

Job Title / Position within Company: Shop employee.



Trading Standards Serv  
County Hall No  
Chart V  
Horsh  
RH12  
01243 642

trading.standards@westsussex.gov



**Trading Standards Service**  
 Parkside  
 Chart Way  
 Horsham  
 RH12 1XH  
 Tel: (01243) 642124  
 trading.standards@westsussex.gov.uk

Officer's Contact Details:  
 No. 4582  
 Email: [redacted]@westsussex.gov.uk

Proprietor: KK news limited  
 Trading Name: SPARKS NEWS  
 Address: 52 QUEEN ROAD,  
HAYWARDS HEATH, WEST SUSSEX  
 Tel: \_\_\_\_\_ Postcode: RH16 1EE

Registered Office: \_\_\_\_\_  
 Mobile: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Website: \_\_\_\_\_  
 Type of Business: off-licence

- Animal Health Act 1981
- Consumer Protection Act 1987
- Consumer Rights Act 2015
- Trade Marks Act 1994
- Weights & Measures Act 1985
- Health & Safety at Work etc. Act 1974
- The Dangerous Substances & Explosive Atmospheres Regulations 2002
- The General Product Safety Regulations 2005
- The Petroleum (Consolidation) Regulations 2014
- The Consumer Protection from Unfair Trading Regulations 2008
- The Explosives Regulations 2014
- The Animal Feed (Hygiene, Sampling etc. & Enforcement) (England) Regulations 2015
- Other (specify)

This report covers a summary of the inspection and does not indicate full compliance with any legislation. In case of dispute, contact the Service address above.

- FOOD STANDARDS INSPECTION REPORT**
- Food Safety Act 1990 | Food Safety & Hygiene (England) Regulations 2013 | Food Information Regulations 2014
- Records
  - Specifications
  - Production Process
  - Composition, Labelling, Presentation
  - Product Design & Recipe
  - Traceability
  - Stock Rotation
  - Completed Product
  - Quality / Management Systems
  - Recall / Relabelling Systems

**Corrective actions & timescales (legal requirements)**

- 2 years KK news had had been trading
- Explained to shop employees about VAS <sup>(complaint)</sup> whose name is Mr MURGAIVAN
- spoke to the <sup>(manager)</sup> on the phone, her name is Minnie, about VAS complaint, and hid company name, and email
- I explained on phone to <sup>(Minnie)</sup> about future VAS test purchase and if business fails TP, then possible alcohol licence review.
- Two employees - 1 Mr Murgaiivan and 2nd is manager (Minnie)
- DPS is Miss Lakshmi <sup>part time</sup> & Thambu Thandaseany <sup>full time</sup>

Failure to comply with legal requirements may constitute an offence and may lead to enforcement action.

**Key points discussed, comments and recommendations**

- Refusal log - Present - last entry 03-04-23 - for Elf bar at 16:40 no ID. TS entry added. Actively writing
- ID accepted - Passport, driving licence, citizen card - explained no phone
- Tobacco sign located on gantry - but requested for new one ID → x1 statutory
- Under 25 poster, not present. I have given under 25 poster tobacco sign and explained what it means
- CCTV - present inside and outside, spoke about proxy sales
- Staff training - no signed training, but they had - checked vapes, they are compliant, explained verbal training and read advised about if anything over 800 RPHs, not to sell. I have given Business Camp, Tobacco & alcohol.
- Till prompts - present, ask prompt at the bottom, come up
- VAS TP explained, if business fails, alcohol licence review

**Actions to be taken by Officer**

- Follow up letter/email.
  - future VAS TP / if business fails then alcohol licence review
- Guidance to follow

Issued by: NATASHA [redacted]  
 Signed: \_\_\_\_\_ (Authorised Officer)  
 Date: 03/04/2023 Time: 17:18

Person seen (print name in capitals): \_\_\_\_\_  
 Signed: \_\_\_\_\_  
 Position: Shop Employee

In the event of any dispute or complaint please contact:  
 trading.standards@westsussex.gov.uk or call (01243) 642124



**MID SUSSEX DISTRICT COUNCIL**  
**BEST PRACTICE GUIDANCE DOCUMENTS FOR LICENSED PREMISES**  
**LICENSING ACT 2003**

## Contents

1. Designated Premises Supervisor (DPS) sale of alcohol staff authorisation
2. Example Refusal/Incident Book
3. Premises Age Verification Policy
4. Training Log
5. Table of Offences Under the Licensing Act 2003

This guide provides examples of best practice documents and templates to assist premises licence holders and designated premises supervisors comply with the requirements of the Licensing Act 2003.

Some of your licences have conditions that require these documents. Failure to comply is a criminal offence per Section 136 licensing Act 2003.

In premises where the licence doesn't require these documents, we strongly advise their use as an indication of good governance.

The templates provide guidance only and can be amended to reflect the operating procedures of each premises. The templates are not exhaustive and may require updating following changes to legislation.

The rear of each template has some tips and instructions for their use.

Please ensure that you read your Premises Licence thoroughly. Not only the times and the licensable activities it authorises, but the Mandatory Conditions listed at Part A and conditions at Annex 2 and 3. It is vital that you understand the licence, what it authorises and equally what conditions you must abide by to ensure the licence remains valid. This information should be passed onto your staff, who have an important role to play in promoting the licensing objectives on your behalf.

Please remember that the Premises Licence Summary must be displayed in a prominent place on the premises. I.e. where it can be easily read by customers.

You should keep these documents, together with the original or certified copy of the original in a binder or something similar in a place that it can easily be produced upon request. Your staff should be aware of its existence and where they can access it. You may be away from the premises when it is requested.

As a business you are legally required to carry out and regularly review a Fire Risk Assessment of the Premises. Details to can be found at the West Sussex County Council website:

<https://www.westsussex.gov.uk/fire-emergencies-and-crime/west-sussex-fire-rescue-service/business-fire-safety/fire-risk-assessment/#how-to-carry-out-the-assessment>

Should you have any questions regarding the contents of this guide or the contents of your premises licence ,please contact [licensing@midsussex.gov.uk](mailto:licensing@midsussex.gov.uk) or call (01444) 477419.

*Please Note: The details listed above in relation to offences, penalties, fines and PND's issued in line with the Licensing Act 2003 may be subject to change following updates to relevant legislation. For further information regarding Penalty Disorder Notices (PND's) please refer to the Ministry of Justice Guidance.*

## **TIPS**

### **The person selling the alcohol:**

By selling alcohol to a person who is under 18, it is **YOU** that commits the offence. You could receive a penalty notice of £90 or an unlimited fine if prosecuted.

### **The customer:**

A customer who purchases alcohol for a person under 18, or attempts to do so, commits an offence. They could receive a penalty notice of £90 or a fine of up to £5,000 if prosecuted.

A customer who is under 18 and purchases alcohol or attempts to do so, or consumes alcohol on the premises also commits an offence. They could receive a penalty notice of £90 or a fine of up to £1,000 if prosecuted.

### **The licence holder:**

Persistently selling of alcohol to children is defined as selling alcohol on the same premises to a person who is under 18 on two or more occasions within a single three month period. Currently there are three avenues by which action can be taken against premises to be persistently selling alcohol to children.

1. The licence holder, if prosecuted, can plead not guilty and go to court and if found guilty can be given an unlimited fine with up to 3 months suspension of the alcohol licence.
2. As an alternative to prosecution, the police or trading standards officers can issue a closure notice at the premises preventing sales of alcohol for between 2 and 14 days rather than face criminal liability.
3. The police can make a representation to the relevant licensing authority to ask them to review the licence. This can also happen in addition to options 1 and 2.

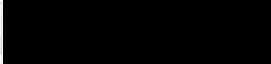
179(4)	Intentional obstruction of entry of authorised person to investigate unauthorised use of premises for licensable activity	Any person	Level 3 fine
<b>Underage Offences</b>			
145(1)	Knowingly allowing unaccompanied child under 16 on premises when open and used for sale or supply of alcohol for consumption there	Any person authorised to prevent	Level 3 fine
146(1)(2)(3)	Selling alcohol to person under 18 or supplying alcohol to club member or guest under 18	Any person or club	Level 5 fine or PND £90 (s 146(1) and (3))
147(1)(3)	Knowingly allowing sale of alcohol to person under 18 or knowingly allowing supply of alcohol to club member or guest under 18	Any person authorised to prevent	Level 5 fine
147A(1)	Unlawful sale of alcohol on 3 or more different occasions on same premises within period of 3 consecutive months	Premises licence holder or premises user under a TEN	£10,000 fine
148(1)(2)	Sale or supply of liqueur confectionary to person under 16	Any person or a club	Level 2 fine
149(1)(3)(4)	Purchase or supply of alcohol by or on behalf of person under 18, or attempt to do so	Person under 18 or person purchasing on his behalf	Level 3 fine (person under 18) Level 5 fine (person on behalf of under 18) or PND £90
150(1)	Knowingly consuming alcohol on premises with premises licence, CPC or TEN when under 18	Person under 18	Level 3 fine
150(2)	Knowingly allowing consumption of alcohol by person under 18 on premises with premises licence, CPC or TEN	Person working at premises, member or officer of club who could have prevented	Level 5 fine or PND £60
151(1)(2)(4)	Delivering or allowing delivery to person under 18	Person working at premises, member or officer of club who could have prevented	Level 5 fine or PND £90 (s 151(1) and (2))
152(1)	Sending person under 18 to obtain alcohol for consumption off the premises	Any person	Level 5 fine
153(1)	Knowingly allowing person under 18 to sell or supply alcohol without approval on premises with premises licence, CPC or TEN	Premises licence holder, designated premises supervisor, or person over 18 authorised by either	Level 1 fine
160(4)	Knowingly keeping premises open or allowing premises to be kept open in breach of closure order in identified area	Any manager, premises licence holder, designated premises supervisor or premises user for temporary event	Level 3 fine
161(6)	Permitting identified premises to be kept open in breach of closure order	Any person	3 months' imprisonment and/or £20,000 fine
165(7)	Permitting premises to be kept open in breach of magistrates' court closure order	Any person	3 months' imprisonment and/or £20,000 fine
168(8)	Allowing premises to be kept open in breach of closure order ending appeal against revocation of premises licence	Any person	3 months' imprisonment and/or £20,000 fine



## STAFF TRAINING RECORD

PREMISES NAME KK NEWS LTD T/A SPARKS NEWS

ADDRESS 56 QUEENS ROAD, HAYWARDS HEATH, WEST SUSSEX  
RH16 1EE

Employee Name	KALYANASUNDARAM MURUGAIYAN	
Employee Number		
Date Joined	15.04.2019	
Current Role		
Personal Licence Details	YES/NO Licence number: Licensing Authority:	
SIA Licence Details	YES/NO Type: Licence number: Licensing Authority:	
Other Qualifications	WORKING CARE HOME	
Date of Initial Training/Induction	21.04.2023	

It is your responsibility to ensure you are fully trained for the role you are employed for. Refresher training must be completed at intervals determined by the management or as a condition to the Premises Licence.

Initial/Induction Training must contain details of

- The premises Licence or Club Certificate – what licensable activities are authorised and times and details of conditions attached to the Licence or Certificate
- Who is the licence holder and who is the DPS (or secretary)
- Where the licence (certificate) is stored and where the summary is on display
- Authorisation to sell or supply alcohol
- Age verification Policy
- Refusal Register

**TRAINING LOG**

Training Undertaken	Date Taken/Completed	Signature of Employee	Signature of DPS/Trainer
MURUGAIYAN <del>OFF LICENCE</del>	21-04-2023	[Redacted]	[Redacted]
<del>OFF LICENCE</del>	<del>21-04-2023</del>	[Redacted]	[Redacted]
MURUGAIYAN	01-06-2023	[Redacted]	[Redacted]
Murugaiyan	23-06-2023	[Redacted]	[Redacted]

- Training records could include:
- H&S in the Workplace
  - Licensing Objectives and how to promote them
  - Age Verification Policy
  - Licensing Activities and Conditions
  - SIA Policy
  - Drug Policy
  - Refusal/Incident Register
  - Noise management Plan
  - Emergency Evacuation Procedures
  - CCTV Management
  - Other Policies which are relevant to the premises

Copies of the above content should be readily accessible.

**TRAINING LOG**

Training Undertaken	Date Taken/Completed	Signature of Employee	Signature of DPS/Trainer
G. JEYARAJAN <del>OFF LICENCE</del>	21.04.2023	[REDACTED]	[REDACTED]
" "	01/06/2023	[REDACTED]	[REDACTED]
G. Jeyarajuh	25.06.2023	[REDACTED]	[REDACTED]

Training records could include:

- H&S in the Workplace
- Licensing Objectives and how to promote them
- Age Verification Policy
- Licensing Activities and Conditions
- SIA Policy
- Drug Policy
- Refusal/Incident Register
- Noise management Plan
- Emergency Evacuation Procedures
- CCTV Management
- Other Policies which are relevant to the premises

Copies of the above content should be readily accessible.

## STAFF TRAINING RECORD

PREMISES NAME KK NEWS LTD T/A SPARKS NEWS

ADDRESS 56 QUEENS ROAD, HAYWARDS HEATH, RH16 1SE

Employee Name		<u>MOVINDAPILLAI JEYARAJAH</u>
Employee Number		
Date Joined		<u>19.07.2021</u>
Current Role		
Personal Licence Details	YES/NO Licence number: Licensing Authority:	
SIA Licence Details	YES/NO Type: Licence number: Licensing Authority:	
Other Qualifications		<u>SALE ASSISTANT</u>
Date of Initial Training/Induction		<u>21.04.2023</u>

It is your responsibility to ensure you are fully trained for the role you are employed for. Refresher training must be completed at intervals determined by the management or as a condition to the Premises Licence.


Initial/Induction Training must contain details of

- The premises Licence or Club Certificate – what licensable activities are authorised and times and details of conditions attached to the Licence or Certificate
- Who is the licence holder and who is the DPS (or secretary)
- Where the licence (certificate) is stored and where the summary is on display
- Authorisation to sell or supply alcohol
- Age verification Policy
- Refusal Register

**Designated Premises Supervisor (DPS). Sale of alcohol - staff authorisation**

I, LAKMINY THAMBU KANDASAMY DPS of  
KK NEWS LTD T/A SPARKS NEWS

hereby authorise the following persons to sell alcohol under the Licensing Act 2003 on these premises at any time during the permitted hours and in accordance with the premises licence. This authority applies whether or not I, or any other Personal Licence holder, are present on the premises at the time of the sale or supply of alcohol. I can confirm these persons have been made aware of his/her legal responsibilities under the Act.

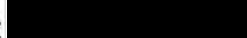
Signed:  Print Name: LAKMINY THAMBU KANDASAMY Date: 21.04.2023

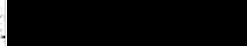
We sign below in the knowledge that it is an offence to:

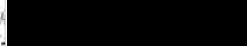
- Knowingly sell, attempting to sell or allowing sale of alcohol to person who is drunk.
- Sell alcohol to a person under 18 years of age.
- Allow licensable activities to be conducted otherwise than in accordance with the premises licence and the conditions it contains.

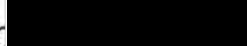
I also understand that I require individuals who appear to me to be under the age of 21

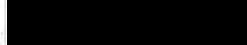
to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

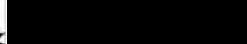
Signed:  Print Name: KALYANASUNDARAM MURUGAIYAN Date: 21.04.2023

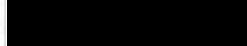
Signed:  Print Name: MURUGAIYAN MALARICO DIMARY Date: 21.04.2023

Signed:  Print Name: GOVINDAPILLAI Jeyaraj Date: 21.04.2023

Signed:  Print Name: S. JEYARAJAH Date: 01/06/2023

Signed:  Print Name: Murugaiyan Date: 01/06/2023

Signed:  Print Name: Jeyarajah Date: 25.06.2023

Signed:  Print Name: Murugaiyan Date: 23.06.2023

Signed:  Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

## TABLE OF OFFENCES – LA2003

SECTION	OFFENCE	OFFENDER	PENALTY LEVEL 1-5 FINES LEVEL 1 - £250 LEVEL 2 - £500 LEVEL 3 - £1,000 LEVEL 4 - £2,500 LEVEL 5 – Unlimited PENALTY NOTICE FOR DISORDER
<b>Premises Licence</b>			
33(6)	Failure to notify licensing authority of change in name or address	Premises licence holder	Level 2 fine
57(4)	Failure to keep premises licence or certified copy at the premises	Premises licence holder	Level 2 fine
57(4)	Failure to display summary of premises licence or certified copy and notice specifying any nominated person	Premises licence holder	Level 2 fine
57(7)	Failure to produce premises licence or certified copy to authorised person for examination	Premises licence holder or nominated person	Level 2 fine
59(5)	Intentional obstruction of authorised person exercising power of inspection prior to grant, variation or review of premises licence or issuing or provisional statement	Any person	Level 2 fine
<b>General Offences</b>			
136(1)	Knowingly allowing or carrying on unauthorised licensable activities	Any person (exceptions: s 134(2))	6 months' imprisonment and/or £20,000 fine
137(1)	Unauthorised exposure for sale of alcohol	Any person	6 months' imprisonment and/or £20,000 fine
138(1)	Unauthorised possession of alcohol with intent to sell or supply	Any person	Level 2 fine
140(1)	Knowingly allowing disorderly conduct on premises with premises licence, CPC or TEN	Any person authorised to prevent	Level 3 fine
141(1)	Knowingly selling, attempting to sell or allowing sale, or supplying, attempting to supply or allowing supply, of alcohol to person who is drunk	Any person authorised to prevent	Level 3 fine or PND £90
142(1)	Knowingly obtaining or attempting to obtain alcohol for consumption by person who is drunk	Any person	Level 3 fine
143(1)	Failure to leave premises with premises licence, CPC or TEN, or attempting to enter premises, by a person who is drunk or disorderly, following request by person in authority	Any person	Level 1 fine
144(1)	Knowingly keeping unlawfully imported goods on relevant premises	Any person authorised to prevent	Level 3 fine
158(1)	Knowingly or recklessly making false statement in connection with licensing application	Any person	Level 5 fine

### TIPS

- All staff should be adequately trained to regarding their responsibilities under the Licensing Act 2003 to ensure compliance with the terms of the premises licence and demonstrate due diligence by the licence holder and DPS.
- It is recommended that staff sign training records to clarify they have participated in and fully understand training material.
- Subject matter should include include their understanding of the Licensing Act 2003, the promotion of the licensing objectives, relevant offences under the act, the company age verification policy and the use of the refusals/incident book. However, you may also wish to include additional topics for which staff are required to be trained under separate legislation such as health and safety, fire safety and first aid.
- Such records also support any DPS authorisations and show responsible management of the premises.
- It is recommended that refresher training is carried out and documented every six months.
- Training records should be made available to the police or local authority on request.

### **TIPS**

- In order to ensure compliance with the premises licence mandatory conditions, the premises licence holder should take all reasonable steps to ensure that a proof of age policy is operated at their premises. This is also sometimes referred to a 'Challenge (age) 'Policy.
- The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- Staff must be aware of the scheme operated and be trained accordingly with written records kept of the training carried out.
- It is recommended the age verification policy that is carried out at the premises should be in writing and documented within any training or authorisations.
- Staff involved with the selling of alcohol should be aware of the policy's existence and content.
- The above example is a suggested text for an age verification policy, as per Home Office guidance. You
- It is also recommended that appropriate signage is displayed detailing the age verification policy in operation at the premises. Free point of sale posters are widely available from various sources via the internet. Posters and further advice on responsible retailing and age restricted products can also be obtained from Trading Standards via their website.



### Premises Age Verification Policy

This policy applies in relation to the sale or supply of alcohol on the following Premises:

Name and address of premises

KK NEWS LTD T/A SPARKS NEWS  
56 QUEENS ROAD  
HAYWARDS HEATH, WEST SUSSEX, RH16 1EB

Name of premises licence holder

LAKMINY THAMBU KANDASAMY

Name of designated premises supervisor

LAKMINY THAMBU KANDASAMY

1. This policy applies in relation to the sale or supply of alcohol on these premises.

2. For this policy the responsible person is one of the following:

- the holder of the premises licence;
- the designated premises supervisor;
- a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18

3. Staff serving alcohol on the premises must require any individuals who appear to the responsible person to be under the age of

to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature

4. Examples of appropriate identification include:

- A *passport*
- A *photo card driving licence*
- A *proof of age card bearing the PASS hologram*

4. The designated premises supervisor will ensure that the supply of alcohol at the premises is carried on in accordance with this policy.

Signed [REDACTED] Date 21-04-2023  
DESIGNATED PREMISES SUPERVISOR

5. The premises licence holder will ensure that staff are made aware of the existence and content of this policy.

Signed.... [REDACTED]  
PREMISES LICENCE HOLDER

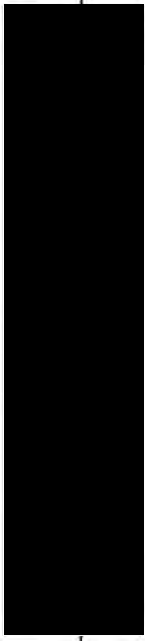


REFUSALS REGISTER

KK NEWS T/A SPARKS NEWS LTD

Date	Product	Time	Name of Person or Description	Observations	Staff Member
25-05-23	W K D	15-32	Boy	NO ID	[Redacted]
27-05-23	ELFBAR	18-50		NO ID	[Redacted]
29-05-23	EST LENS	10-31		NO ID	[Redacted]
31-05-23	RAW	16-12	MAN	NO ID	[Redacted]
1/6/23	Visit music licensing officer	10-15		[Redacted]	[Redacted]
05-06-23	ELFBAR	19-28		NO ID	[Redacted]
06-06-23	ELFBAR	12-54		NO ID	[Redacted]
09-06-23	ELFBAR BEER	10-20	WHITE HAIR BOY + GIRL	NO ID	[Redacted]
13-06-23	ELFBAR	13-58	Boy	NO ID	[Redacted]

MANAGER'S SIGNATURE



DATE: 22.06.2023

KK NEW SLIT/A SPARKS NEWS

**Refusals Register**

Please record all refusals on the register below

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
41	28-04-23 <del>14-04-23</del>	ELFBAR	14:38		NOID	[REDACTED]
42	28-04-23	ELFBAR	17:43	MAN	NOID	[REDACTED]
43	04-05-23	ELFBAR	15:39		NOID	[REDACTED]
44	11-05-23	B&H BLUE	17:22		NOID	[REDACTED]
45	14-05-23	ELFBAR	15:58	MAN	NOID	[REDACTED]
46	17-05-23	ELFBAR	17:15		NOID	[REDACTED]
47	20-05-23	ELFBAR	18:38	Boy	NOID	[REDACTED]
48	24/05/23	Trading standards REST purchase 12.26				

Date: 25/5/23

Manager's Signature: [REDACTED]



Additional pages can be downloaded from [noidosale.com](http://noidosale.com)

# KK NEWS LTD T/A SPARKS NEWS

Please record all refusals on the register below

## Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
41	13-04-23	ELFBAR	13-22		NOID	
42	13-04-23	ELFBAR	14-17	Boy SCHOOL UNIFORM	NOID	
43	13-04-23	ELFBAR	16-48		NOID	
44	14-04-23	Visit Licensing officer	10:00	Licensing Visit Jaw BRYANT		
45	18-04-23	ELFBAR	11-02		NOID	
46	19-04-23	ELFBAR	17-23		NOID	
47	21-04-23	B-RK BYUE	17-40	Boy	NOID	
48	25-04-23	ELFBAR	10-08		NOID	
<b>Manager's Signature:</b> <span style="background-color: black; color: black;">[REDACTED]</span>					<b>Date:</b> 26-04-2023	

Additional pages can be downloaded from [noidnosale.com](http://noidnosale.com)



KIK NEWS LTD THE SPARKS PUB

**Refusals Register**

Please record all refusals on the register below

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
41	18-04-23	ELFBAR	18-44		NO ID	
42	09-09-23	ELFPAA	10-22		NO ID	
43	10-04-23	OTLENS	16-25		NO ID	
44	11-04-23	ELFBAR	12-00	Boy	NO ID	
45	12-04-23	ELFBAR	10-23		NO ID	
46	12-04-23	ELFBAR	16-35		NO ID	
47	13-04-23	ELFBAR	11-40	BOX WHITE	NO ID	
48	13-04-23	Meal bars	12-15		NO ID	

Manager's Signature

Date: 15.04.2023



Additional pages can be downloaded from [noidnosale.com](http://noidnosale.com)

KIK NEWSLOT/A SPARKS NEWS

**Refusals Register**

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
01	Example 01/04/2022	Cigarettes	7.10pm	Male, 14 yrs Blonde, 5ft 11"	Nervous and refusing to show ID	
02	03/04/23	// TRADING STANDARDS		17:02		
03	05-04-23	ELFBAR	15:45		NOID	
04	06-04-23	OTLEN'S	19:00		NOID	
05	06-04-23	ELFBAR	18:15		NOID	
06	06-04-23	ELFBAR	18:54		NOID	
07	08-04-23	SMIRNOFF	16:10		NOID	
08	08-04-23	ELFBAR	16:31		NOID	

Manager's Signature:



Date:

09.04.2023

Additional pages can be downloaded from [noidnosale.com](http://noidnosale.com)



## Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
09	18-03-23	ELFBAR	16-33		NO ID	
10	30/03/23	PLUCKAS CLUBS CLUBS	10:00	ML PLUCKAS		
11	30-03-23	ELFBAR	14:15		NO ID	
12	31-03-23	ELFBAR	13:45		NO ID	
13	31-03-23	ELFBAR	15:39		NO ID	
14	31-03-23	ELFBAR	18:49		NO ID	
15	02-04-23	ELFBAR	16:19		NO ID	
16	03-04-23	ELFBAR	16:40		NO ID	

Manager's Signature:

Date:

Additional pages can be downloaded from [noidnosale.com](http://noidnosale.com)



# Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
25	20-03-23	ELFBAR	14:55		NO ID	
26	24-02-23	RAW	6-30	Boy	NO ID	
27	01-03-23	ELFBAR	15-35		NO ID	
28	10-03-23	ORLEN-S	15-35	man, boy	NO ID	
29	15-03-23	ELFBAR	08-50		NO ID	
30	18-03-23	ELFBAR	16-50		NO ID	
31	20-03-23	ELFBAR	18-11		NO ID	
32	23-03-23	ELFBAR	15-40		NO ID	

Manager's Signature:

Date:

Additional pages can be downloaded from [noidnosale.com](http://noidnosale.com)





# Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
17	01.04.23	Fifbar	9.40		NO ID	
18						
19	13.04.23	Marlboro	11.40		NO ID	
20						
21						
22						
23						
24						

Manager's Signature:

Date:

Additional pages can be downloaded from [noidnosale.com](http://noidnosale.com)



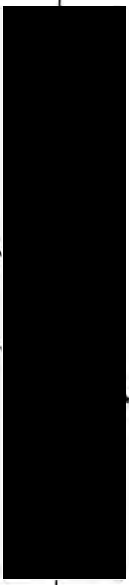


# SF ARKS NEWS

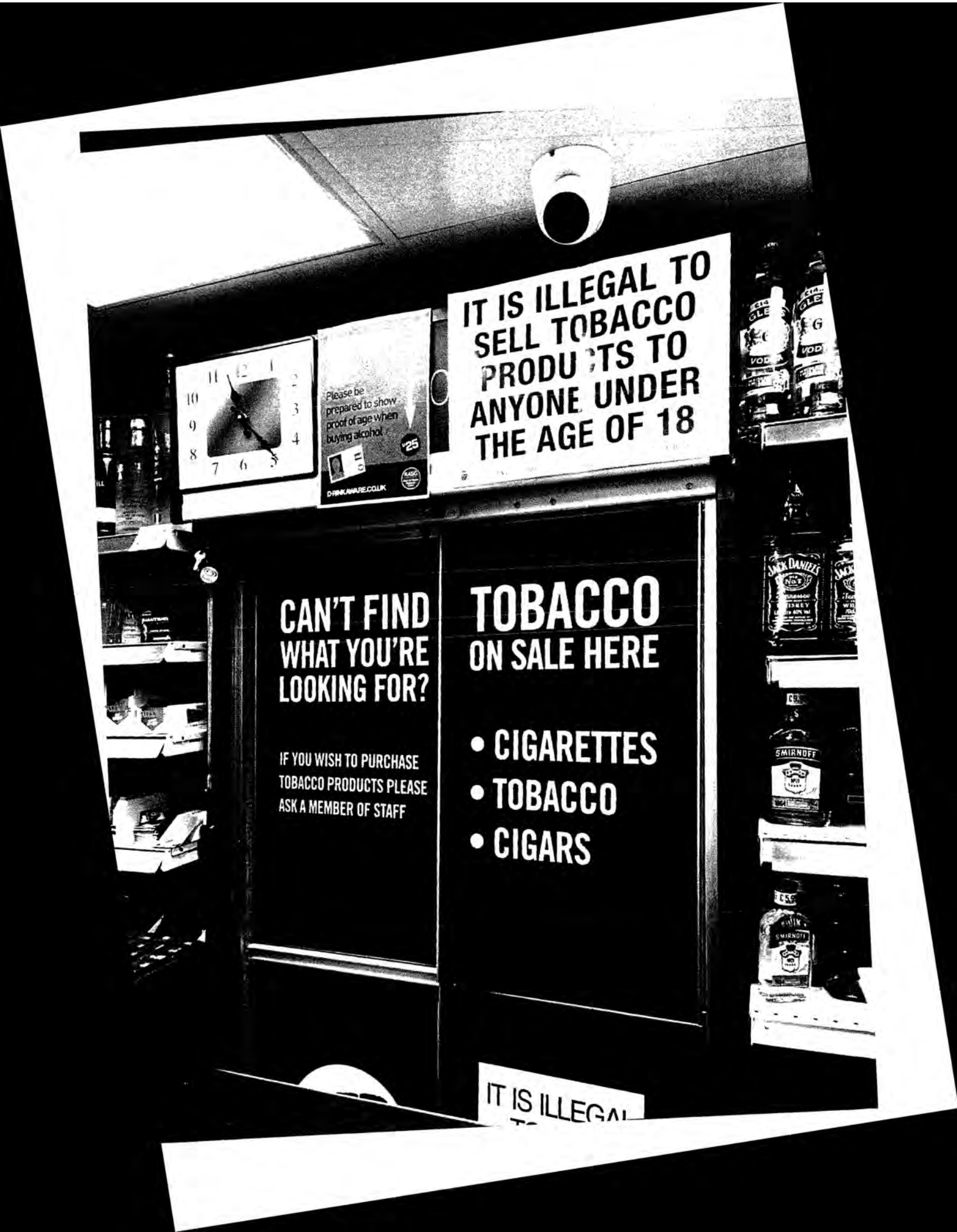
## REFUSALS REGISTER

Date	Product	Time	Name of Person or Description	Observations	Staff Member
07-01-23 <del>08-01-23</del>	cutters choice	15:27		NOI D	[REDACTED]
14-01-23	ELFBAR	16:50		NOI D	[REDACTED]
19-01-23	ELFBAR	15:25		NOI D	[REDACTED]
21-01-23	CHEERIS	17:36	BOY	NOI D	[REDACTED]
27-01-23	B-Y H BLUE	08:30		NOI D	[REDACTED]
03-02-23	ELFBAR	17:51	GIRL	NOI D	[REDACTED]
06-02-23	RAW	15:40		NOI D	[REDACTED]
09-02-23	BELLS	16:02		NOI D	[REDACTED]
10-02-23	CHEERIS	13:42		NOI D	[REDACTED]

DATE: 01-01-23



MANAGER'S SIGNATURE



**IT IS ILLEGAL TO  
SELL TOBACCO  
PRODUCTS TO  
ANYONE UNDER  
THE AGE OF 18**



Please be prepared to show proof of age when buying alcohol.

**25**

DRINKWARE.CO.UK

**CAN'T FIND  
WHAT YOU'RE  
LOOKING FOR?**

IF YOU WISH TO PURCHASE  
TOBACCO PRODUCTS PLEASE  
ASK A MEMBER OF STAFF

**TOBACCO  
ON SALE HERE**

- **CIGARETTES**
- **TOBACCO**
- **CIGARS**



**IT IS ILLEGAL**

**WARNING**  
**24hr CCTV**

Images are instantly stored & monitored  
to the prevention & detection of crime.



**No smoking**  
It is against the law to  
smoke in these premises

**FOOD HYGIENE RATING**



Buy a SIM and  
top up here



**Wear  
face  
mask**



**Pay, play,  
top up, pick up  
& gift here!**



**UNDER  
25?**

**u25**

**DRINK AWARE.CO.UK**



**SPARKS NEWS NEW**

**OPENING HOURS**

- MONDAY = 6.00 TO 19.30
- TUESDAY = 6.00 TO 19.30
- WEDNESDAY = 6.00 TO 19.30
- THURSDAY = 6.00 TO 19.30
- FRIDAY = 6.00 TO 19.30
- SATURDAY = 6.00 TO 19.30
- SUNDAY = 6.00 TO 16.30
- BANK HOLIDAY = 6.00 TO 16.30

**THANK YOU**



DRINK AWARE.CO.UK

You could face a  
£5000 fine.



It is an  
offence to



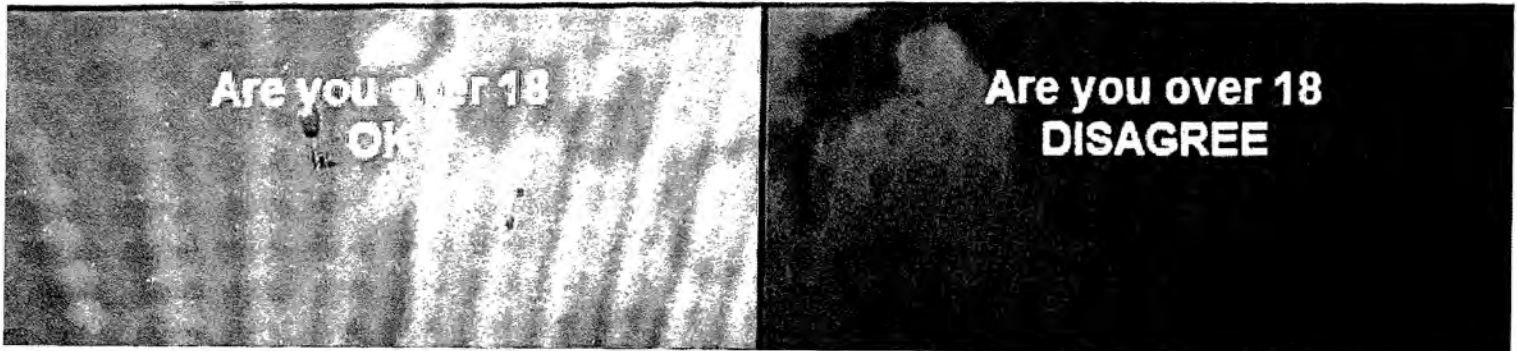
MENU



9:20 am  
29 Jun 2023  
POS 1




Total Amount Due	1.00
Cash	1.00
Change Given	0.00
-----	
29/06/23 09:17:01	
LUCOZADE	1.25
Sandwiches & Baguettes	1.30
BIG	1.25
*VOID* TWIX XTRA	
Total Amount Due	3.80
Cash	4.00
Change Given	0.20
-----	



Please record all refusals on the register below

Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
41	<del>14-28</del> 28-04-23	ELFBAR	14-38		NOID	
42	28-04-23	ELFBAR	17-43		NOID	
43	04-05-23	ELFBAR	15-39		NOID	
44	11-05-23	B&H BLUE	17-22		NOID	
45	17-05-23	ELFBAR	15-58		NOID	
46	17-05-23	ELFBAR	17-15		NOID	
47	20-05-23	ELFBAR	18-38		NOID	
48	24/05/23	Trading standards Test purchase 12:26.				

Manager's Signature:

Date:

Additional pages can be downloaded from [noidnosale.com](http://noidnosale.com)



Please record all refusals on the register below

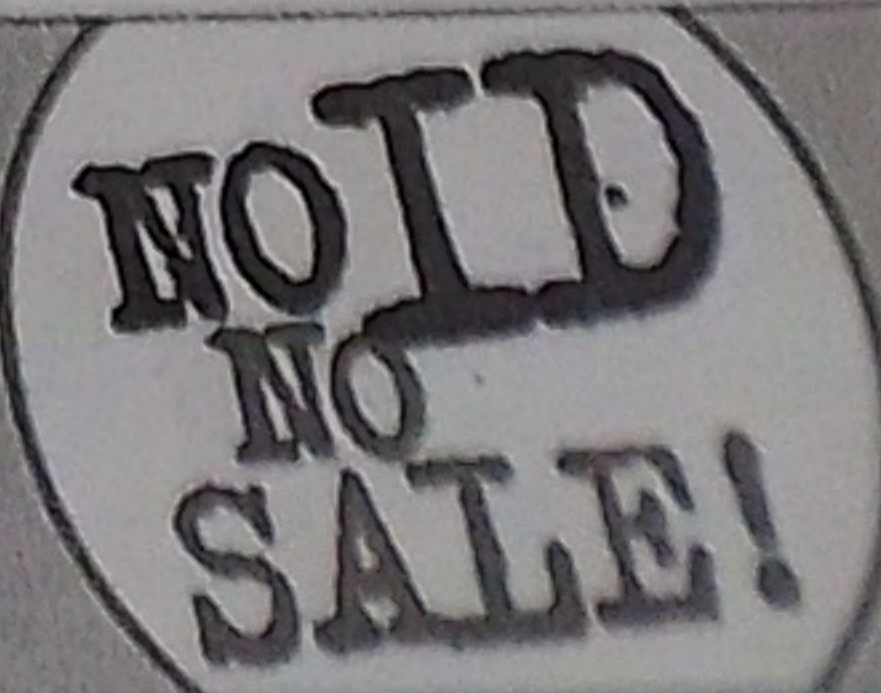
Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
41	13-04-23	ELFBAR	13-22		NOID	
42	13-04-23	ELFRAR	14-17		NOID	
43	13-04-23	ELFRAR	16-48		NOID	
44	14-04-23	Visit Licensing officer	10-00	Licensing Visit JANE BENNETT		
45	18-04-23	ELFRAR	11-02		NOID	
46	19-04-23	ELFBAR	17-23		NOID	
47	21-04-23	B-RK BLUE	17-40		NOID	
48	25-04-23	ELFRAR	10-08		NOID	

Manager's Signature:

Date:

Additional pages can be downloaded from [noidnosale.com](http://noidnosale.com)





Please record all refusals on the register below

### Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
42	08-04-23	ELFBAR	18-44		NOID	
42	09-04-23	ELFPAA	10-22		NOID	
43	10-04-23	CTLENS	16-25		NOID	
44	11-04-23	ELFBAR	12-00		NOID	
45	12-04-23	ELFRAR	10-23		NOID	
46	12-04-23	ELFRAR	16-35		NOID	
47	13-04-23	ELFBAR	11-40		NOID	



Manager's Signature:

Date:

Additional pages can be downloaded from [noidnosale.com](http://noidnosale.com)



Please record all refusals on the register below

Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
01	Example 01/04/2022	Cigarettes	7.10pm	Male, 14 yrs Blonde, 5ft 11"	Nervous and refusing to show ID	
02	03/04/23	// TRADING STANDARDS	17.02			
03	05-04-23	ELFBAR	15-45		NOID	
04	06-04-23	OTLEN'S	19-00		NOID	
05	06-04-23	ELFBAR	18-55		NOID	
06	06-04-23	ELFBAR	18-54		NOID	
07	08-04-23	SMIRN'OFF	16-10		NOID	
08	08-04-23	ELFBAR	16-31		NOID	

Manager's Signature:

Date:

Additional pages can be downloaded from [noidnosale.com](http://noidnosale.com)



Miss L Khandasamy  
KK News Limited t/a Sparks News  
56 Queens Road  
Haywards Heath  
West Sussex  
RH16 1EE

Thursday 6<sup>th</sup> April 2023

Dear Miss L Khandasamy,

Our Ref: PR202304-7372

Licensing Act 2003  
Nicotine Inhaling Products (Age of Sale & Proxy Purchasing) Regulations 2015  
Childrens & Families Act 2014  
Consumer Rights Act 2015  
Tobacco & Related Products Regulations 2016  
Tobacco Products & Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020  
Children & Young Persons Act 1933

I'm writing to you following my visit on Monday 3<sup>rd</sup> April 2023 regarding a complaint that has been received by West Sussex Trading Standards, alleging KK News t/a Sparks News, 56 Queens Road, Haywards Heath, RH16 1EE has sold alcohol and vapes to a child under the age of 18.

Under Section 146 of the Licensing Act 2003 it is a criminal offence to sell alcohol to a person who is under the age of 18 years old.

As well as prosecution the Act allows for an application to be made to the licensing authority for an alcohol licence to be reviewed if it can be shown age restricted products are being sold to children. Such a review could lead to your licence being suspended or revoked <sup>1</sup>.

**You don't necessarily have to sell alcohol to a child to lose your licence, the** sale of other age restricted products could also result in prosecution and can also lead to your alcohol licence being suspended or revoked if you or your business sell to an underage person.

Regulation 3 of the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 prohibits the sale of nicotine inhaling products to persons under the age of 18. Section 92(2) of the Childrens and Families Act 2014 makes it a criminal offence for a person to sell a nicotine inhaling product to a person under the age of 18.

In order for you and your staff to be compliant with the law, you should always ask young people to produce proof of their age. For example, a driving licence photocard or passport. If a person cannot prove they are over 18, the sale should be refused.

<sup>1</sup> *West Sussex Trading Standards has a zero tolerance to the sale of alcohol to children. Unless there are exceptional circumstances, where there is sufficient evidence to show an underage sale of alcohol has taken place, we will seek a review of the premises alcohol licence with the aim of having the licence suspended or revoked. The seller and business will also be subject to enforcement action in line with our published enforcement policy.*  
[www.westsussex.gov.uk/business-and-consumers/trading-standards-advice-for-businesses/](http://www.westsussex.gov.uk/business-and-consumers/trading-standards-advice-for-businesses/)

Your premises alcohol licence may contain specific conditions which should be followed, but there are also a number of best practice checks that you and your staff could implement to help prevent the sale of any age restricted products.

#### 'Challenge 25' system:

If a person attempts to purchase an age restricted product and they appear to be under the age of 25, you should ask them to produce proof of their age. If they're unable to prove their age, a sale should then be refused.

#### Staff training:

You should ensure your staff are fully trained to ensure they're aware which products are age restricted, what the age restriction is, and the action they should take if they believe a person is underage when they attempt to purchase such products. It is important you can prove your staff have understood what is required of them by the law. This can be done by keeping a record of the training and asking members of staff to sign to say that they understand it.

These records should then be checked and signed on a regular basis by the manager or owner of the business.

#### Maintain a refusals log:

All refusals should be recorded (date, time, incident, product and description of the potential buyer). Maintaining a refusals log will help to demonstrate you and your staff actively refuse sales and have an effective system in place. Refusal logs should be checked by the manager or owner to ensure all members of staff are using them.

#### Till prompts:

If your system allows it may be possible to use your till to remind staff of age restrictions via a reminder prompt when the barcode of an age restricted product is scanned.

Alternatively by way of a staff reminder, stickers could be used to cover certain product barcodes.

#### Signage:

Displaying posters showing age limits for certain products and a statement regarding the refusal of such sales if the person appears to be underage. This may help deter potential purchasers and act as a reminder to staff.

#### CCTV:

A CCTV system may help act as a deterrent and reduce underage sales. It will also **help you to monitor 'blind spots' within your store if it's** not possible to change the layout or relocate age restricted products behind, or closer to, the counter.

Please note the above advice is best practice and is not a legal requirement. However, the legislation states if you are charged with an offence of selling an age restricted product to a person under the age of 18, it is a defence if you're able to prove you took **all reasonable steps to determine the purchaser's age and that you reasonably believed** that the purchaser was not under the age of 18.

Therefore, by carrying out the above best practice checks, it will help show you and your staff are able to satisfy this legal defence and it will help reduce the sale of age restricted products to children.

Further advice and guidance on age restricted products can be found on the Business Companion website: [www.businesscompanion.info/](http://www.businesscompanion.info/)

**I'd be grateful if you would please acknowledge receipt of the above** advice by email to [REDACTED]@westsussex.gov.uk If you also have any queries or require further information please don't hesitate to contact me.

Kind Regards,



Natasha Ali  
Trainee Trading Standards Officer

WITNESS STATEMENT

(CJ ACT 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; CPR 2013 r.27.1)

Statement of: Jonathan Bryant

Age if under 18: 0.18 (if over 18 insert 'over 18')

Occupation: Senior Licensing Officer

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

Signature:

Date: ...10/07/2023.....

I am the Senior Licensing Officer employed by Mid Sussex District Council. Part of my duties include compliance inspections and enforcement in relation to licences issued under the Licensing Act 2003.

From records held by the Authority I am able to state that Lakminy Thambu Kandasamy is the holder of a Personal Alcohol Licence issued by Mid Sussex District Council under licence number PA0783. This licence was issued on the 25th June 2008.

There is a Premises Licence issued by Mid Sussex District Council under the Licensing Act 2003 for Sparkes News, 56 Queens Road, Haywards Heath, RH16 1EE. This is licence number PWA0551 and was first issued on the 11th March 2017. This permits the sale of alcohol for the consumption off of the premises.

I can produce a copy of the Premises Licence PWA0551 as item JB/1.

The Premises Licence Holder (PLH) and the Designated Premises Supervisor (DPS) for this licence is Lakminy Thambu Kandasamy.

On Thursday 30th March 2023 I conducted a visit to Sparkes News accompanied by Pc Lucas of Sussex Police to conduct a licensing compliance visit of the premises to establish if they were complying with the Premises Licence conditions. This visit was following receipt of information from the Police that they had alcohol taking place at the premises.

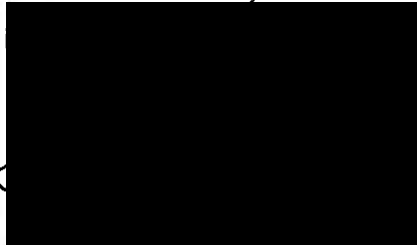
Sign

Signature witnessed by:.....

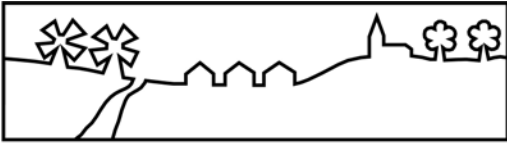
Continuation of Witness Statement: Jonathan Bryant

During this inspection visit to the premises I inspected the records held on the premises and I spoke with Ms Kandasamy. There were a number of matters that were identified that required her attention and further action to become compliant with the licence conditions. The same day I wrote Ms Kandasamy a letter setting out the findings of the compliance visit and the areas that required remedial attention. I

can produce this letter as



Signature:..... Signature Witnessed by:.....



# MID SUSSEX DISTRICT COUNCIL

Licensing Section  
Oaklands  
Oaklands Road  
HAYWARDS HEATH  
West Sussex  
RH16 1SS

## Licensing Act 2003 Premises Licence PWA0551

### Part 1 - Premises Details

#### Postal address of Premises / Ordnance Survey map reference / Description of site

**Sparks News**  
56 Queens Road  
Haywards Heath  
West Sussex  
RH16 1EE

Telephone: [REDACTED]

#### Where the Licence is time limited - the dates

Commences :- 11 March 2017

#### Licensable Activities authorised by the Licence and the times the Licence authorises the carrying out of Licensable Activities

**Sale by retail of alcohol**  
Everyday                      06:00 - 20:30

#### The opening hours of the Premises

**Everyday**                      05:30 - 20:30

#### Where the Licence authorises supplies of alcohol whether these are On and / or Off supplies

Alcohol is supplied for consumption **off** the Premises



**Part 2**

Name, (registered) Address, Telephone number and Email (where relevant) of holder of Premises Licence

Miss Lakminy Thambu Kandasamy  
Sparks News  
56 Queens Road  
Haywards Heath  
West Sussex  
RH16 1EE

Telephone: [REDACTED]

Electronic Mail: [REDACTED]

Registered number of holder of premises licence (if applicable)

Name, Address and telephone number of Designated Premises Supervisor if the Premises Licence authorises the supply of Alcohol

Miss Lakminy Thambu Kandasamy

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Personal Licence number and Issuing Authority of Personal Licence held by Designated Premises Supervisor where the Premises Licence authorises for the supply of Alcohol

Personal Licence Reference: PA0783

Licensing Authority: Mid Sussex District Council

**Annex 1 - Mandatory Conditions**

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

- |          |  |
|----------|--|
| <b>1</b> | <p>No supply of alcohol may be made under this licence:-</p> <ul style="list-style-type: none"> <li>(a) At a time when there is no designated premises supervisor in respect of the premises licence; or</li> <li>(b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.</li> </ul>  |
| <b>2</b> | <p>Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p>   |
| <b>3</b> | <ul style="list-style-type: none"> <li>1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</li> <li>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. <ul style="list-style-type: none"> <li>a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:- <ul style="list-style-type: none"> <li>(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),</li> <li>(ii) or drink as much alcohol as possible (whether within a time limit or otherwise);</li> </ul> </li> <li>b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;</li> <li>c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;</li> <li>d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;</li> <li>e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).</li> </ul> </li> </ul> |
| <b>4</b> | <p>The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available. <i>(This condition does not apply to premises licensed for the sale of alcohol for consumption OFF the premises only)</i></p>  |
| <b>5</b> | <ul style="list-style-type: none"> <li>1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.</li> </ul>   |

6

- 2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- 3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
  - a) A holographic mark or
  - b) An ultraviolet feature

The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

#### **Minimum Pricing Drinks**

7

- 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) In this condition:–
  - (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
    - (iii) were charged on the date of the sale or supply of the alcohol, and 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,
    - (iii) or the personal licence holder who makes or authorises a supply of alcohol under such a licence; and

- (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.

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**If the Premises Licence/Club Premises Certificate allows Exhibition of Films**

The admission of persons under the age of 18 to the exhibition of films must be restricted in accordance with any recommendation of the *British Board of Film Classification*, or, where there is no such recommendation or the licensing authority has notified the holder that section 20(3)(b) of the Licensing Act 2003 applies to the film, the recommendation of the licensing authority.

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**If the Premises Licence has conditions in respect of Door Supervisors**

- 1) Each individual, who in accordance with a condition on the premises licence, is present at the licensed premises to carry out a security activity must:
  - a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - b) be entitled to carry out that activity by virtue of section 4 of that Act.
- 2) "security activity" means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 applies, and which is licensable conduct for the purposes of that Act).

**Conditions consistent with the operating schedule**

1. The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. Signage advertising the policy will be displayed at the point of sale as a minimum.
2. 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 to cover the servery, alcohol storage area and the entrance to the premises as a minimum. The system shall be on and recording at all times the premises licence is in operation.
  - a. The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

- b. CCTV footage will be stored for a minimum of 31 days.
  - c. 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.
  - d. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - e. Subject to Data Protection 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 for the police without difficulty or delay and without charge to Sussex Police.
3. The premises shall at all times maintain and operate a sales refusals log and an incident log book. These will be kept to record all refusals and incidents of crime or disorder. These records shall be kept for a minimum of twelve months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff
  4. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed and refresher training thereafter at intervals of no more than six months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff

**Conditions attached after a hearing by the Licensing Committee**

**Plan of premises**

See attached

Signature of authorised officer



Date of Issue: 11 March 2017

Date printed: 3 May 2017

Licensing Act 2003  
**Premises Licence Summary**  
**PWA0551**

**Premises Details**

**Postal Address of Premises / Ordnance Survey map reference / Description of site**

**Sparks News**  
56 Queens Road  
Haywards Heath  
West Sussex  
RH16 1EE

**Where the Licence is time limited - the dates**

Commences:- 11 March 2017

**Licensable Activities authorised by the Licence and the times the Licence authorises the carrying out of Licensable Activities**

**Sale by retail of alcohol**  
Everyday 06:00 - 20:30

**The opening hours of the Premises**

**Everyday** 05:30 - 20:30

**Where the Licence authorises supplies of alcohol whether these are On and / or Off supplies**

Alcohol is supplied for consumption **off** the Premises

**Name and (registered) address of holder of premises licence**

Miss Lakminy Thambu Kandasamy  
Sparks News  
56 Queens Road  
Haywards Heath  
West Sussex  
RH16 1EE

**Registered number of holder of premises licence (if applicable)**

**Name of Designated Premises Supervisor where the Premises Licence authorises the supply of alcohol**

Miss Lakminy Thambu Kandasamy

**State whether access to the Premises by children is restricted or prohibited**

# UK POLICE REQUIREMENTS FOR DIGITAL CCTV SYSTEMS

This document offers guidance to potential users of digital CCTV systems, where the pictures are intended to be used by the police or are likely to be used in an investigation. For CCTV recordings to be effective in detecting and investigating crime they must be fit for purpose and easily accessible by police investigators. For digital CCTV there are four main areas that must be considered:

**QUALITY** - are the pictures good enough?

**STORAGE** - are the pictures stored appropriately?

**EXPORT** - can the pictures be easily exported from the system?

**PLAYBACK** - can the pictures be easily viewed by authorised third parties?

By ensuring that your digital CCTV system is capable of meeting a few simple requirements, the potential evidential value of the pictures can be greatly increased and the time taken by the police to access and process them greatly reduced. Supporting notes are provided on the reverse of this sheet to clarify the requirements.

## QUALITY WHAT RESOLUTION? WHAT COMPRESSION? HOW MANY PICTURES PER SECOND?



1. Specify your requirement - decide what you want to see and where, and select a system that will do it.
2. View the recorded pictures or print out, not the live screen, to assess the system performance.
3. The system clock should be set correctly and maintained (taking account of GMT and BST).
4. Picture quality should not be reduced to fit the available storage capacity of the system.
5. Regular maintenance should be conducted on all aspects of the system.

## STORAGE WHAT SHOULD I KEEP? HOW SHOULD I KEEP IT?



6. The system should be operated and recorded pictures retained in a secure environment.
7. Electronic access controls, such as passwords or encryption, should not prevent authorised access to the system or recordings.
8. The system should have sufficient storage capacity for 31 days good quality pictures.
9. The system should be capable of securing relevant pictures for review or export at a later date.

## EXPORT HOW MUCH VIDEO SHOULD THE SYSTEM EXPORT AND IN WHAT FORMAT?



10. A system operator should be available who is able to replay and export recordings.
11. A simple system operator's manual should be available locally to assist with replay and export.
12. The operator should know the retention period of the system and export time for various amounts of data.
13. The system should be able to quickly export video and stills to a removable storage-medium, with time and date integral to the relevant picture.
14. Export should include any software needed to view or replay the pictures.
15. The system should have an export method proportionate to the storage capacity.
16. Pictures should be exported in the native file format at the same quality that they were stored on the system.

## PLAYBACK CAN THE PICTURES BE EASILY VIEWED?



17. The playback software should:
  - have variable speed control including frame by frame, forward and reverse viewing;
  - display single and multiple cameras and maintain aspect ratio i.e. the same relative height and width;
  - display a single camera at full resolution;
  - permit the recording from each camera to be searched by time and date;
  - allow printing and/or saving (e.g. bitmap) of pictures with time and date.
18. The time and date associated with each picture should be legible.
19. Once exported to removable media it should be possible to replay the files immediately.

## Supporting Notes:

### QUALITY - are the pictures good enough?

1. Before installing a CCTV system you should have a clear idea of what you want the system to do and how it should perform. This should include exactly what you want to see and where, e.g. recognise the face of someone walking through a doorway, read a vehicle registration number or record a particular type of activity, such as walking across a room, exchange of money or an assault. More detailed guidance on how to do this can be found in PSDB publication 17/94 CCTV Operational Requirements Manual. This is available free from the Home Office website. [http://www.homeoffice.gov.uk/docs/or\\_manual.pdf](http://www.homeoffice.gov.uk/docs/or_manual.pdf)  
There are no definitive performance criteria for video to be legally admissible. It is for the court to decide whether the pictures are accepted, and this is done on the grounds of relevance to the case, reliability of the evidence, etc. The appropriate resolution, level of compression and number of pictures per second will be determined by what you wish to see in the recording. If you can't see it then it's not fit for purpose. It should not be expected that enhancement features, such as zoom controls, will provide extra detail.  
A good way to ensure that the system is capable of achieving the requirement is to do a subjective test. Set-up a camera and get a volunteer to walk through the door or park a car in the place of interest and record the pictures. This should be done under the conditions that the system is intended to be used - performance of the system may be different when there are a number of cameras being recorded.
2. The quality of the recorded or printed pictures may differ from the live display.
3. Time and date information is often critical to an investigation. If it is incorrect this can drain police time and resources.
4. The quality of the pictures should not be compromised to allow more to be squeezed onto the system. There is some scope however for using a sliding scale of image quality based on time since recording. For example, high quality high frame rate video for the first 24 hours with gradually increasing compression or decreasing frame rate after this, but retaining useful images up to 31 days. This would be dependent on the nature of the installation and the type of recordings being made. Guidance should be sought from your local police force.
5. To ensure continued quality of recording it is essential that regular maintenance of all aspects of the system be conducted - especially camera focus, cleaning of lenses, housings, etc.

### STORAGE - are the pictures stored appropriately?

6. Access to the system and recorded images should be controlled to prevent tampering or unauthorised viewing. A record should be kept of who has accessed the system and when. Further information on this can be found in the BSI document 'Code of Practice for Legal Admissibility of Information Stored Electronically' (BIP0008) or from your local Crime Prevention Officer.

7. Electronic protection methods that require proprietary software or hardware will hinder an investigation if they prevent the pictures from being provided to authorised third parties, e.g. police and CPS. Physical methods of access control, e.g. system in a locked room, are just as effective if documented appropriately.
8. It is important that recordings cover a sufficiently long period to assist in investigations. Retention beyond 31 days may be useful in some circumstances, but should not affect the quality of the more recent recordings.
9. It should be possible to protect specific pictures or sequences, identified as relevant to an investigation, to prevent overwriting before an investigator can view or extract them.

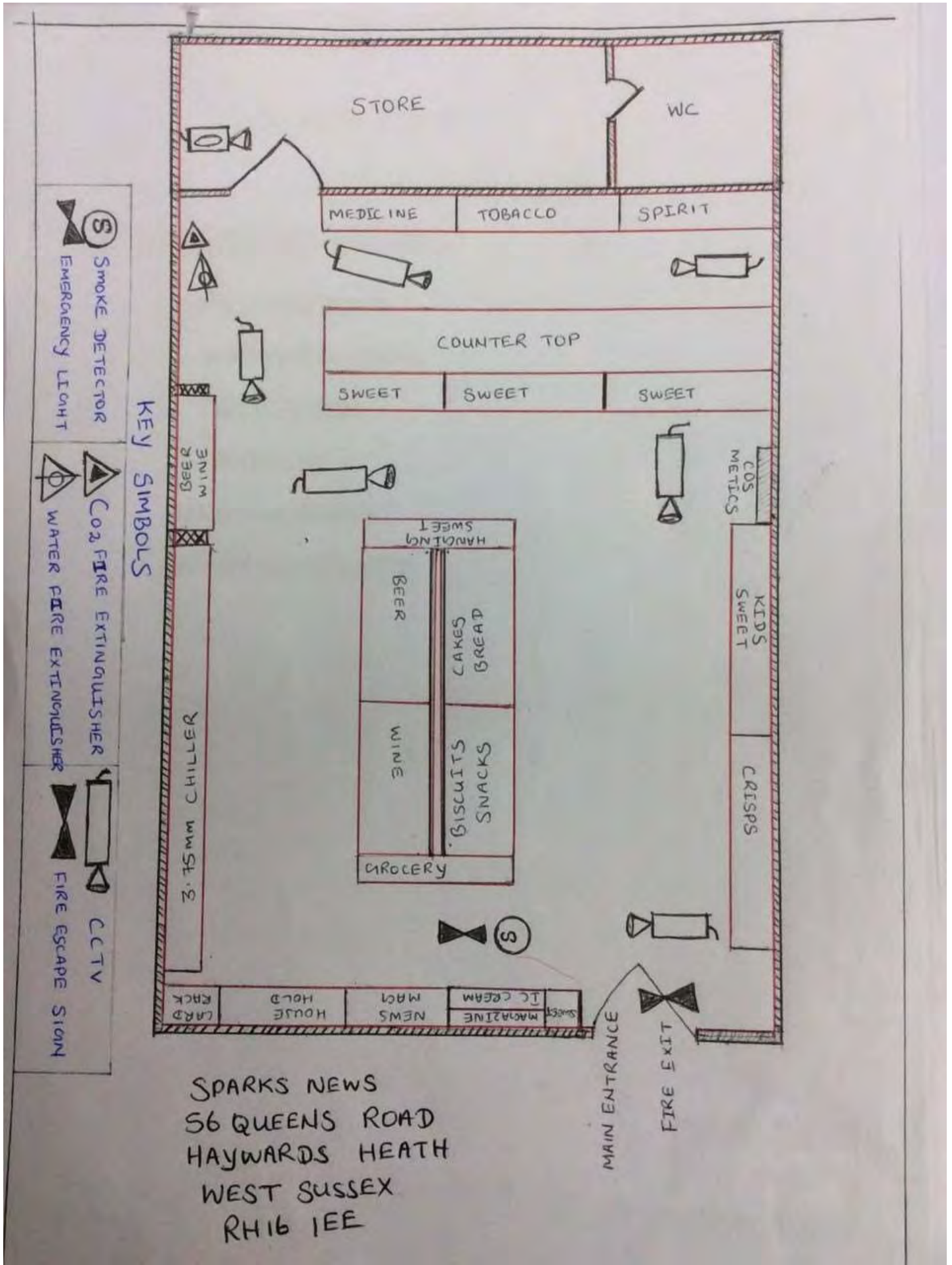
### EXPORT - can the pictures be easily exported from the system?

10. and 11. It is unlikely that the investigator will be familiar with the operation of your system. To facilitate replay and export a trained operator and simple user guide should be available locally.
12. and 13. Export of medium and large volumes of data can take a substantial period of time. The operator should know the retention period of the system and approximate times to export short (e.g. 15 minutes), medium (e.g. 24 hours), and large (up to all of the system) amounts of data.
14. If the software needed to replay the pictures is not included at export, viewing by authorised third-parties can be hindered. Export of a system event log or audit trail, and any system settings with the pictures will assist with establishing the integrity of the pictures and system.
15. The amount of video that an investigator will need to export will be dependent on the nature of the investigation. For example a shop robbery may only require a few stills or a short sequence, however a more serious incident such as a murder or terrorist related enquiry may require anything up to all the video contained on the system to be exported. It is essential that the system is capable of doing this quickly and to an appropriate medium. An ideal solution for medium-to-large downloads, would be for the system to have the facility to export to a 'plug-and-play' hard drive. Export and recording should be possible at the same time without affecting the performance of the system.
16. The system should not apply any compression to the picture when it is exported from the system as this can reduce the usefulness of the content. Also, the picture should not undergo any format conversion that affects the content or picture quality.

### PLAYBACK - can the pictures be easily viewed by authorised third parties?

17. and 18. The replay software must allow the investigator to search the pictures effectively and see all the information contained in the picture and associated with it.
19. It should be possible to replay exported files immediately e.g. no re-indexing of files or verification checks.





**Contact:** Mr Jon Bryant  
**Tel:** [REDACTED]  
**Email:** [REDACTED]@midsussex.gov.uk

**Your Ref**  
**Our Ref** PWA0551

**Date:** 30<sup>th</sup> March 2023

Attn: Miss Lakminy Thambu Kandasamy  
Sparks News  
56 Queens Road  
Haywards Heath  
West Sussex  
RH16 1EE

Dear Miss Kandasamy,

I am writing to confirm the findings of the compliance assessment undertaken during a visit to Sparks News on the 30<sup>th</sup> March 2023. I have diarised a revisit to the premises at **10am on Friday 14<sup>th</sup> April 2023** for a supplementary inspection.

The main objective of the assessment was to establish compliance with the four licensing objectives:

1. The Prevention of Crime and disorder
2. Promotion of Public safety
3. Prevention of Public Nuisance
4. Prevention of Harm to children and young people.

The aim is to achieve this by ensuring that the licensable activities are being carried out in accordance with:

- The Premises Licence and associated conditions.
- The provisions of the Licensing Act 2003
- Guidance issued under Section 182 Licensing Act 2003
- Our Statement of Licensing Policy

The visit today was a joint visit with the Police following a complaint that they had received regarding sales of age restricted products to a 15 year old male. The purpose of the visit was to ensure that you were ensuring due diligence in respect of sales by yourself and your staff.

Unfortunately, the assessment identified several issues that require your immediate attention as summarised below.

There is a legal requirement for the original or certified copy of the full licence to be kept on the premises. You were unable to find this. Please contact the Licensing Support Team on [licensing@midsussex.gov.uk](mailto:licensing@midsussex.gov.uk) to arrange for a replacement of the licence. There is a fee of £10.50 for the copy of the licence.

### **DPS Authorisation**

As the DPS you authorise members of staff to sell alcohol on your behalf. There should therefore be a record/form showing which members of staff have this authorisation. This was not available at the time of the visit. This is mandatory condition 2 on your licence.

## Age Verification policy

In order to ensure that the licence mandatory conditions are complied with there should be an Age Verification policy in place. This is mandatory condition 5 on your licence. There was no such policy available for me to view.

## Premises Licence Condition - Conditions consistent with the operating schedule

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 to cover the server, alcohol storage area and the entrance to the premises as a minimum. The system shall be on and recording at all times the premises licence is in operation.*
  - a. *The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.*
  - b. *CCTV footage will be stored for a minimum of 31 days.*
  - c. *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.*
  - d. ***The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.***
  - e. *Subject to Data Protection 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 for the police without difficulty or delay and without charge to Sussex Police*

The time on the CCTV was not correct and was 55 minutes out. Please arrange for the CCTV to be adjusted to show the correct time.

2. *All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed and refresher training thereafter at intervals of no more than six months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff*

Your training records were very out of date, there was no indication of any refresher training having taken place and you confirmed that the member of staff present during our visit had received no training. These records need to be brought up to date to be compliant with your licence conditions.

I have enclosed a guide and best practice guidance documents for Licensed Premises. This includes the DPS sale of alcohol staff authorisation, a template Age Verification Policy, and example training records.

You can either use these supplied templates or create your own, the expectation is that all the above issues will be rectified by the time of my re-visit and I have received assurances that all of these areas will be addressed. The expectation will be that on my re-visit the business will be fully compliant.

Finally, I must point out that the Premises Licence Holder and the Designated Premises Supervisor, are ultimately responsible for the lawful conduct of this business and are reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises in breach of the conditions of a Premises Licence.

The maximum penalty on conviction for each breach is six months imprisonment and/or an unlimited fine. Furthermore, a review of this premises licence may be called for if further breaches of the Licence are substantiated.

If there are any questions about this inspection, please do not hesitate to contact me and I look forward to my re-visit on the 14<sup>th</sup> April.

Yours sincerely

Jon Bryant  
Senior Licensing Officer

**Name** (Sophie Krousti)  
Public Health Lead for Alcohol  
Public Health Department

██████████@westsussex.gov.uk

www.westsussex.gov.uk

First Floor, The Grange  
Tower Street  
Chichester  
West Sussex  
PO19 1RQ



Licensing Team  
Mid Sussex District Council  
Oaklands  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS

29<sup>th</sup> August 2023

Dear Sir or Madam,

**Re: KK News Ltd TA Sparks News, 56 Queens Road, Haywards Heath, RH16 1EE.**

The West Sussex County Council (WSSCC) Public Health Directorate wishes to support the application by Trading Standards to review the licence of: KK News Ltd TA Sparks News, 56 Queens Road, Haywards Heath, RH16 1EE.

The Public Health Directorate 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 illegal sale of alcohol to a person under the age of 18, as part of a Trading Standards 'test purchase' operation. The sale of alcohol to children is of extreme concern, considering the strong evidence demonstrating the harms caused by alcohol to children and young people.

It is noted that on 30<sup>th</sup> March 2023, the Designated Premises Supervisor (DPS), was provided with advice by Mid Sussex Licencing Authority on the Licencing Objectives. This was followed by an advice visit on 3<sup>rd</sup> April 2023, where the DPS was given advice on underage sales and provided with online links for more support on how to comply with consumer protection regulation. The WSSCC Public Health Directorate is disappointed to learn that despite this recent advice, alcohol was sold to a child and endorse the recommendation made in the review application by Trading Standards.

### **Supporting Evidence**

#### **Harms, caused by alcohol, to children and young people**

In 2009, the Chief Medical Officer of England published official guidance on alcohol focusing specifically on children and young people<sup>1</sup>. It recommends that an alcohol-free childhood is the healthiest and best option<sup>2</sup>. The guidance is based on a body of evidence that alcohol consumption during any stage of childhood can have a harmful effect on a

<sup>1</sup> [Alcohol consumption by children and young people - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

<sup>2</sup> [Alcohol consumption by children and young people - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

child's development. Furthermore, alcohol use during the teenage years is related to a wide range of health and social problems, and young people who begin drinking before the age of 15 are more likely to experience problems related to their alcohol use<sup>3</sup>. Drinking at a young age, and particularly heavy or regular drinking, can result in physical or mental health problems, impair brain development, and put children at risk of alcohol-related accident or injury. More broadly it is also associated with missing or falling behind at school, violent and antisocial behaviour, and unsafe sexual behaviour<sup>4</sup>.

According to guidance provided on NHS.UK, the health risks associated with drinking alcohol before the age of 18 are as follows:

- Drinking alcohol can affect the normal development of vital organs and functions in children under 18, including the brain, liver, bones and hormones.
- Beginning to drink before age 14 is associated with increased health risks, including alcohol-related injuries, involvement in violence, and suicidal thoughts and attempts.
- Drinking at an early age is also associated with risky behaviour, such as violence, having more sexual partners, pregnancy, using drugs, employment problems and drink driving<sup>5</sup>.

### **National prevalence of alcohol use by children and young people**

National data indicates that alcohol remains the substance most commonly used by young people. In a 2021 national survey, 40% of school pupils said they had ever had an alcoholic drink<sup>6</sup>, a figure which may be broadly applied to the West Sussex population of young people.

### **Local alcohol-related hospital admissions among children and young people**

Each year in West Sussex, there are more than 65 alcohol-specific hospital admissions (where the hospital admission is wholly attributable to alcohol) among under 18s. Since 2015/16 the rate of these admissions has increased, having previously followed a downward trend. The rate of these admissions in West Sussex (36.9 per 100,000 population, 2018/19-2020/21) is significantly higher than the rate for England overall (29.3 per 100,000)<sup>7</sup>.

In Mid Sussex alcohol-specific admissions among under 18s have also shown an increase since 2016/17 and the comparable rate for the district is 35.2 admissions per 100,000 under 18s which is also above rates for England overall<sup>7</sup>.

### **Under 18s using specialist alcohol treatment services in West Sussex**

The latest data for 2021/2022 shows that 62% of under 18s in the West Sussex specialist children and young people's drug and alcohol service were receiving treatment for alcohol-related substance misuse.

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<sup>3</sup> [Alcohol consumption by children and young people - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/alcohol-consumption-by-children-and-young-people)

<sup>4</sup> [Part 5: Alcohol drinking prevalence and consumption - NHS Digital](#)

<sup>5</sup> <https://www.nhs.uk/common-health-questions/childrens-health/should-my-child-drink-alcohol/>

<sup>6</sup> [Part 5: Alcohol drinking prevalence and consumption - NHS Digital](#)

<sup>7</sup> [Local Alcohol Profiles for England - Data - OHID \(phe.org.uk\)](#)

Given the harm caused to children and young people by alcohol in West Sussex and the high rate of alcohol harm in young people in Mid Sussex District, it is especially disappointing to note that staff at KK News Ltd TA Sparks News, 56 Queens Road, Haywards Heath, RH16 1EE, sold alcohol to a child.

West Sussex Public Health are concerned by the inadequate training procedures at the premises and that staff appear to have been left staff untrained for a number of years. This failure to provide training has put children at risk of harm from alcohol.

From a Public Health perspective, it is disappointing that despite previous advice provided by Trading Standards, alcohol was sold to a child. Given the serious nature of this offence and the harm caused to children by alcohol, this suggests that the premises is not taking seriously their responsibility to uphold the Licencing Objectives.

Having considered the information provided in the review, West Sussex Public Health are supportive of the recommendations made by Trading Standards which seek to limit further criminal activity and to promote the licencing objectives.

Yours sincerely,

A black rectangular redaction box covering the signature of Sophie Krousti.

Sophie Krousti  
Public Health Lead for Alcohol

**On behalf of the Director of Public Health**

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Licensing Officer,  
Mid Sussex District Council,  
Oaklands Road,  
Haywards Heath,  
RH16 1SS

## Neighbourhood Licensing Team West Sussex Division

11<sup>th</sup> September 2023

**RE: APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR KK NEWS TA SPARKS NEWS, 56 QUEENS ROAD, HAYWARDS HEATH, RH16 1EE. UNDER THE LICENSING ACT 2003. YOUR REF: PWA0551.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation in respect of this review application on the grounds of the prevention of crime and disorder and the protection of children from harm.

This is a review hearing upon the application of West Sussex County Council Trading Standards following a number of interactions with the premises.

Sussex Police received a report on the 27<sup>th</sup> of March 2023 stating that her son of 15 years of age had been sold Alcohol and Vapes from the premises on the 25<sup>th</sup> of March 2023. As a result of this information a joint Police and Mid Sussex District Council Licensing team visit was carried out on the 30<sup>th</sup> of March 2023. During the visit the Designated Premises Supervisor (DPS) Lakminy Kandasamy was present along with another member of staff. The DPS was spoken to regarding the allegation and words of advice was given regarding this matter. It would appear that the DPS was not at the premises at the time of the alleged incident. The following observations were made whilst the officers, PC Marvin Lucas and Mr Jon Bryant were at the Licensed premises:

- The DPS could not produce part A of the premises Licence.
- Part B of the premises Licence was on display in the store.
- The DPS could not produce a DPS authorisation form.
- Challenge 25 (age verification) displayed.
- CCTV was working although the time was incorrect.
- Training records for the member of staff working in the store at the time of the visit could not be produced. No refresher training documented which as of the training condition, should be carried out at intervals of no more than 6 months.

To assist the DPS in managing the issues raised and upholding the Licensing objectives, documentation was then passed to the DPS to help rectify the issues raised during the visit.

Sussex Police, Neighbourhood Licensing Team  
Centenary House, Durrington Lane, Worthing,  
West Sussex. BN13 2PQ  
Telephone: [REDACTED]

A further visit to the premises was carried out on the 17<sup>th</sup> of March 2023 by Mid Sussex District Council Licensing team. The result of the visit was that the premises had rectified all the issues raised from the visit dated 30<sup>th</sup> of March 2023.

Sussex police support the review application by Trading Standards.

The revised S.182 Guidance to the Licensing Act 2003 (July 2023) issued by The Home Office states:

**11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:**

**• for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.**

**11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.**

Sussex police are particularly concerned in this case that on the 24<sup>th</sup> of May 2023, alcohol was sold to a child during a test purchase exercise. Prior to the test purchase exercise carried out by Trading Standards, advice was given to the Management of the premises. The advice revolved around the sale of age restricted products.

The Premises licence, under conditions consistent with the operating schedule, have appropriate conditions in place to uphold the licensing objectives. The conditions relate to:

- An age verification policy using the challenge 25 process, where anybody who appears to be under 25 years of age should be asked for identification to prove their age and that the person meets the required age to purchase the product.
- A condition that refusals and incident logs are in place to record all refusals and any incidents that may occur at the premises.
- A condition that Staff members engaged in the sale of alcohol are trained prior to the selling of such products and thereafter at intervals as refresher training.

These conditions amongst other conditions within the premises licence are in place to ensure the Licensing objectives are upheld. In this case the licensing objectives have not been upheld and the sale of alcohol had been sold to an underaged person, under the age of 18 years.

A further visit was carried out to the premises on the 8<sup>th</sup> of September 2023 by PC Marvin Lucas of Sussex Police Licensing with the DPS present. The result of the visit was as followed:

- Part A of the premises licence was at the premises.
- Part B of the licence was on display at the premises.
- A DPS authorisation form was produced. A new member of staff who had been working at the premises for ten days needed to be added to the authorisation form. DPS aware of this.
- Age verification policy produced. Challenge 25 poster displayed behind the till.
- The CCTV was working with the correct date and time displayed, recording capacity is for 31 days.
- The DPS provided a sales refusals and incident book.

Sussex Police, Neighbourhood Licensing Team  
Centenary House, Durrington Lane, Worthing,  
West Sussex. BN13 2PQ  
Telephone: [REDACTED]

- Training records were produced. There was no training record for the new member of staff who had been working at the premises for ten days. Advice was given regarding this matter that staff needed to be trained prior to the sale of any alcohol. The DPS assured PC Lucas that the new member of staff had been trained prior to starting employment at the premises.

The above documentation appeared disorganised; advice given.

Sussex Police support the representation from Trading Standards and recommend to the Committee that a **suspension** period of three months is appropriate. In addition to a suspension of the premises licence, Sussex Police invite the Committee to update the premises licence conditions up to current modern standards by replacing all the existing conditions in the operating schedule of the licence with the following:

### **Prevention of Crime and Disorder**

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:
  - outside of the premises;
  - the entrance to the premises;
  - The till and service desk area;
  - All displays of alcohol.

The system shall be on and recording at all times the premises licence is in operation.

The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside the premises at all times.

CCTV footage will be stored for a minimum of 31 days.

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. Times will be updated promptly when British Summer Time starts and ends.

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. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested.

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), or upload CCTV footage to Sussex Police Digital media systems via the internet for the police without difficulty or delay and without charge to Sussex Police.

Sussex Police, Neighbourhood Licensing Team  
Centenary House, Durrington Lane, Worthing,  
West Sussex. BN13 2PQ  
Telephone: [REDACTED]

Any breakdown or system failure will be notified to the police licensing team immediately (and a receipt or acknowledgement from police licensing obtained and retained) & remedied as soon as practicable.

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. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The logbook should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence. The logbook will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received
  - d) any incidents of disorder
  - e) any faults in the CCTV system
  - f) any refusal of the sale of alcohol and the name of the member of staff
  - g) who refused the sale.
  - h) details of any officer of a responsible authority who visits the premises, including their name, job title and the responsible authority they represent.

The log will be kept for a minimum of twenty-four (24) months.

3. All spirits will be kept behind the counter out of arms reach of the public.
4. Direct contact details for the Designated Premises Supervisor including their name, mobile phone number and email address will be kept at the premises and made available to officers of any responsible authority on request.

#### **For the Protection of Children from Harm:**

- 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.

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.

Sussex Police, Neighbourhood Licensing Team  
Centenary House, Durrington Lane, Worthing,  
West Sussex. BN13 2PQ  
Telephone: [REDACTED]

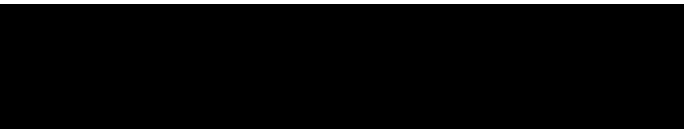
- 6 The Premises Licence Holder shall ensure that all staff members (including family members and friends, people who have 'just popped in', persons who 'are passing by' or otherwise helping out on a casual or informal basis) engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:
- the lawful selling of age restricted products
  - refusing the sale of alcohol to a person who is drunk

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded 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.

- 7 A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.
- 8 At all times the premises is open and undertaking licensable activity, members of staff engaged in the sale of alcohol must be able to communicate sufficiently to enable them to promote the four licensing objectives and to make an effective challenge.

Yours sincerely,



**Inspector Mike Butler CB238**  
**West Sussex Licensing Inspector**  
**Sussex Police**

**Sussex Police, Neighbourhood Licensing Team**  
**Centenary House, Durrington Lane, Worthing,**  
**West Sussex. BN13 2PQ**  
**Telephone:** 

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## Suggested Conditions to replace current conditions at Annex 2 of the Premises Licence

**Sussex Police**

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:

- outside of the premises;
- the entrance to the premises;
- The till and service desk area;
- All displays of alcohol.

The system shall be on and recording at all times the premises licence is in operation.

The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside the premises at all times.

CCTV footage will be stored for a minimum of 31 days.

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. Times will be updated promptly when British Summer Time starts and ends.

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. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested.

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), or upload CCTV footage to Sussex Police Digital media systems via the internet for the police without difficulty or delay and without charge to Sussex Police.

Any breakdown or system failure will be notified to the police licensing team immediately (and a receipt or acknowledgement from police licensing obtained and retained) & remedied as soon as practicable.

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. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The logbook should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence. The logbook will record the following:

- a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received
  - d) any incidents of disorder
  - e) any faults in the CCTV system
  - f) any refusal of the sale of alcohol and the name of the member of staff
  - g) who refused the sale.
  - h) details of any officer of a responsible authority who visits the premises, including their name, job title and the responsible authority they represent.
- The log will be kept for a minimum of twenty-four (24) months.

3. All spirits will be kept behind the counter out of arms reach of the public.
4. Direct contact details for the Designated Premises Supervisor including their name, mobile phone number and email address will be kept at the premises and made available to officers of any responsible authority on request.
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 people who are helping out on a casual or informal basis) 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:
  - the lawful selling of age restricted products
  - refusing the sale of alcohol to a person who is drunk

Further verbal reinforcement/refreshers training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refreshers training documented.

All such training undertaken by staff members shall be fully documented and recorded 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.
8. A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.
9. At all times the premises is open and undertaking licensable activity, members of staff engaged in the sale of alcohol must be able to communicate sufficiently to enable them to promote the four licensing objectives and to make an effective challenge.



## LICENSING COMMITTEE - PROCEDURE AT HEARINGS

This is the procedure to be followed at Licensing Sub-Committee hearings when the Sub-Committee is exercising the functions delegated by the Licensing Committee under the Licensing Act 2003 as agreed by the Licensing Committee on 2<sup>nd</sup> February 2005.

### 1.0 AT THE HEARING

- 1.1 The hearing shall take place in **public**, except where (as defined in the Hearings Regulations) the public interest requires the public's exclusion.

### 2.0 Right of attendance, assistance and representation

- 2.1 A party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

### 3.0 Procedure at the Hearing

- 3.1 The Chairman shall at the beginning of the hearing introduce the members of the Sub-Committee, invite the parties to identify themselves and then explain to the parties the procedure which the Sub-Committee intends to follow (this procedure).
- 3.2 The Sub Committee shall then consider any request made by a party for permission for another named person to appear at the hearing, such permission shall not be unreasonably withheld.
- 3.3 The hearing shall take the form of a **discussion** led by the Authority and **cross-examination** shall **not** be permitted **unless** the sub-committee considers that cross-examination is required for it to consider the representation, application or notice as the case may require.
- 3.4 The Sub-Committee must allow the parties an equal maximum period of time in which to exercise their rights to respond to a point or points of clarification and give further information in support of their application, representations or notice; question any other party (if permission has been given) and in which to address the sub-committee.

Members of the Licensing Sub-Committee may ask any question of any party or other person appearing at the hearing.

The Licensing Sub-Committee may take into account documentary or other evidence produced by a party before the hearing, or produced at the hearing if all other parties agree.

The Licensing Sub-Committee shall disregard any information given by a party or by any person to whom permission to appear at the hearing has been given by the Authority, which is not relevant to the Application representations or notice, (as applicable) or the promotion of the licensing objectives, or if the hearing is considering a notice given by the Chief Officer of police, which is not relevant to the crime prevention objective.

3.5 The Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- a) refuse to permit that person to return, or
- b) permit him to return only on such conditions as the authority may specify,

but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

3.6 The Sub-Committee may, after hearing the representations of the parties, withdraw from the room to make their deliberations.

#### **4.0 Determination of applications**

4.1 The Sub-Committee shall make its determination at the conclusion of the hearing, or otherwise as prescribed by Regulation. The Secretary of State's Guidance states that the determination shall be 'given forthwith and reasons provided to support the determination'.

#### **5.0 Notification of Determination**

The authority shall notify a party of its determination forthwith, or otherwise if the Licensing Act 2003 so provides. Notification to a party will include a statement of the Sub-Committee's reasons for the decision and will be accompanied by information about the party's right of appeal against the determination.

#### **6.0 Failure of parties to attend the hearing**

6.1 If a party has informed the licensing authority that he/she does not intend to attend or be represented at the hearing, the hearing may proceed in his/her absence.

6.2 If a party who has not so indicated fails to attend or be represented at a hearing at the Sub-Committee may:-

- where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- hold the hearing in the party's absence.

6.3 Where the Sub-Committee holds the hearing in the absence of a party, the Sub-Committee shall consider at the hearing the application, representation or notice made by that party.

6.4 Where the Sub-Committee adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

#### **7.0 Record of proceedings**

7.1 A record of the hearing shall be kept for six years from the date of determination or, where an appeal is brought against the determination, the disposal of the appeal. The record must be in a permanent and intelligible form.

## 8.0 Irregularities

- 8.1 Any irregularity arising as a result of any failure to comply with the Hearing's Regulations **before** the authority had made a determination, does **not** render the proceedings void, and the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity **before** reaching its determination.
- 8.2 Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.

## NOTES

### Human Rights

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a convention right. The Sub-Committee will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following provisions:-

- Article 6 – in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
- Article 8 – everyone has the right to respect for his/her home and private and family life
- Article 1 of the first protocol – every person is entitled to the peaceful enjoyment of his/her possessions (this includes the possession of a licence).

### Members Interests

Members of the Sub-Committee shall consider whether they have a personal and/or prejudicial interest in the application or case before them in accordance with the requirements of the Code of Conduct for Mid Sussex District Council.

All interests should be disclosed to the Licensing Sub-Committee and recorded. Members with a prejudicial interest must take no part in the hearing and must withdraw from the room.

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