



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, Trading Standards Manager, West Sussex Trading Standards apply for the review of a Premises Licence under Section 51 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

Chaudhari Wine Ltd T/A Arya Food & Wine
12 Station Road

Post town Burgess Hill

Post code (if known) RH15 9DQ

Name of Premises Licence holder or Club holding Club Premises Certificate

Maheshkumar Sardarbai Chaudhari

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

14/01401/LAPER

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)

Yes

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 Mr Peter Aston Trading Standards Team Manager Trading Standards, West Sussex County Council 4th Floor, Parkside, Chart Way, Horsham, West Sussex, RH12 1XH
Telephone number: 0330 222 7661
E-mail: [REDACTED]

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

Please tick one or more boxes ✓

1) the prevention of crime and disorder	Yes
2) public safety	
3) the prevention of public nuisance	
4) the protection of children from harm	Yes

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)

In August 2022 intelligence was received by West Sussex Trading Standards alleging that an underage sale took place at Arya Food & Wine.

On 12th September 2022 Chaudhari Wine Ltd T/A Arya Food & Wine, 12 Station Road, Burgess Hill RH15 9DQ received an advice visit from West Sussex Trading Standards. Advice was given to the Director, Maheshkumar Chaudhari, about the Licensing Act 2003, regarding underage sales of alcohol, and the sale of other age restricted products. Maheshkumar Chaudhari was advised not to sell age restricted products to those under 18, by asking for driving licence or passports as identification.

The challenge 25 policy, to check any identification for those looking under 25, was explained to the business. The business was told not to sell age restricted products if identification to prove the buyer was over 18 could not be provided.

The business was advised to train staff to check for identification, should the buyer look under 25, and to record all refusals in a log. On 12th September 2022 the last refusal in the logbook was dated 09/09/2022, for a tobacco inhaling product, called an Elf Bar. The Chartered Trading Standards Institute provide free written guidance on Trading Standards legislation, giving business advice on how to ensure compliance. This is called the Business Companion and is available online, to read electronically or print off as leaflets. Printed Business companion guidance for selling Alcohol, Tobacco and Nicotine Inhaling products was provided to Maheshkumar Chaudhari, he was advised to use these to train his staff. No training log was produced during the visit, Maheshkumar Chaudhari stated that the logs were at his home address. Till prompts to ask for proof of age were coming up on the tills to remind staff to ask for identification before selling age restricted products.

A visit report form confirming the advice given was completed and handed to Maheshkumar Chaudhari to sign. Maheshkumar Chaudhari was provided with a copy of this report. On 14th September 2022 a letter was sent to Maheshkumar Chaudhari reiterating the advice he had received.

On 8th February 2023 alcohol was sold to a child by Mehulkumar Jesangbhai CHAUDHARY, an employee of Chaudhari Wine Ltd T/A Arya Food & Wine. This sale took place during a test purchase exercise, carried out under Section 154 of the Licencing Act 2003. Mehulkumar Jesangbhai CHAUDHARY stated he had been working at Arya Food and Wine for almost a year and had training on age restricted products every 2 months, where he was told to check for identification. No training records were provided by Mehulkumar Jesang, he stated they were kept at the manager's house. On 08/02/2023 the last refusal log entry was dated 19/01/2023. The till prompts were working at the time. This sale took place contrary to Section 146 (1) of the Licensing Act 2003, which carries a penalty of a fine, as well as being contrary to the terms of the premises alcohol licence.

Following a written interview under caution, Maheshkumarkumar Chaudhari stated that the seller had only been in post for 2 and half months, despite Mehulkumar Jesangbhai CHAUDHARY advising Laura Derby, Senior Trading Standards Officer, that he had worked at Arya Food and Wine for just under a year. Maheshkumar Chaudhari also stated that the seller thought the volunteer was 18. Maheshkumar Chaudhari confirmed that the seller had full training on age restricted policy, products, the age limits and what identification should be checked. Maheshkumar Chaudhari states that the seller was trained regarding the refusals log on 15/01/2023, a signed training log for Mehul CHAUDHARI has been provided to evidence this. It appears Mehulkumar Jesangbhai CHAUDHARY was first employed by Maheshkumar Chaudhari in 2021 and returned in 2023 when the training was re-done on 15/01/2023. No training records are shown for regular training between 21/10/2021 and 15/01/2023. The training records also show that there was no age restricted training provided until

15/01/2023.

Maheshkumar Chaudhari confirms he received the advice letter from Natasha Ali and subsequently retrained staff as well as monitoring the refusal log weekly. He confirms a Challenge 25 policy is in place and appears to understand it and has trained his staff on this. Maheshkumar Chaudhari has CCTV that he monitors every two weeks to make sure staff are checking ID. The store DPS is confirmed as Maheshkumar Chaudhari. Maheshkumar Chaudhari states that he has made sure staff have been retrained since 08/02/2023 and is checking refusal logs as well to ensure identification is requested without fail. He accepts the offence occurred and states it never happened in 9 years and is sorry.

Maheshkumar Chaudhari has provided the following supporting documentation:

- Premises Age verification policy, dated 27/01/2023
- Written Authorisation for the Sale of Alcohol, signed by 3 members of staff between 21/08/2020 and 15/01/2023
- Staff Training records for Mehul Chaudhari, sell of alcohol and age restricted products dated 15/01/2023 and again on 27/02/2023
- Refusals log dated 27/09/2022 until 15/03/2023 showing mainly vapes but some alcohol refusals with big increase in logs since 08/02/2023.

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 \(publishing.service.gov.uk\)](#)) 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 suspension of the premises alcohol licence for 3 months.

Please tick ✓ **yes**

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

No

If yes please state the date of that application

Day	Month	Year					

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: *Signature redacted*

Date: 12/04/2023

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.