



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

Neighbourhood Licensing Team West Sussex Division

18th August 2023

RE: APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR LONDIS, ANISHS MINI SUPERMARKET, 65 LINGFIELD ROAD, EAST GRINSTEAD, RH19 2EU. UNDER THE LICENSING ACT 2003. PREMISES LICENCE NUMBER: PWA0494.

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 are particularly concerned in this case that on the 8th of February 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 underage sales of alcohol.

As a result of the information that a child was sold alcohol by a member of staff at the premises, Licensing officer PC Marvin Lucas carried out a licensing visit to the same premises, dated 15th of February 2023. PC Lucas spoke to the store Manager as the Designated Premises Supervisor (DPS) was not on site and at the time of the visit, had not been at the premises for some years. PC Lucas made the following observations:

- The CCTV was working, correct date and time stamped, however no member of staff apart from the Store Manager could operate the CCTV.
- No DPS authorisation forms.
- No signage advertising the Challenge (Age verification).
- No training records to prove training had been carried out.
- No refusals or incident documentation produced.

A further pre-arranged visit to the premises was carried out by PC Marvin Lucas and Licensing Officer Darran Middleton on the 22nd of February 2023. The visit continued at the premises in company with the premises owner Mr Baharat PATEL (who I will now refer to as Mr Patel). It was established that the DPS was not in the day-to-day control of the premises and suggested that Mr Patel took over this role. Mr Patel produced a DPS authorisation document, however this was not dated so it was not known when the document was created. Mr Patel produced training records for two members of staff which dated back to 2020 and 2021. The training records did not match

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the names on the DPS authorisation form. An age verification policy was in place and signage to support this was on display. Mr Patel confirmed that a refusals button was situated at the till. The till is able to produce daily refusals but unable to provide times or what product was refused.

Towards the end of the visit, PC Lucas gave Mr Patel information and documentation to help, support the premises and to assist in upholding the Licensing objectives.

Sussex police support the review application by Trading Standards requesting a suspension of the premises licence. 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.

As both responsible authorities are not asking for revocation of the licence in the first instance but a suspension of the licence, then we would recommend to the Committee that a suspension period of three months is appropriate. The three months suspension will give the premises Licence holder sufficient time to train their staff and to implement our proposed revised conditions, which will assist in upholding the Licensing objectives.

In addition to a suspension of the premises licence, Sussex police invite the Committee to update the premises licence by removing the existing conditions and replacing them with the following conditions to the current modern standards in annexe 2 of the licence with the following:

The Prevention of Crime & 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.

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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 Sussex 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 and shall be kept on the premises and made available to officers of any responsible authority upon request.

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.

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Public Safety

5. Fire safety, risk assessments and electric certificates must be up to date.

For the Protection of Children from Harm:

6. 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.

- 6 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/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.

Conditions for alcohol delivery service:

Alcohol deliveries will only be made to a residential or business address and not to a public place.

The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.

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At the time the order is placed a declaration will be required from the person placing the order that that person is aged 18 years or over, and that the intended recipient are over 18 years or over. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.

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

Yours sincerely,



Inspector Mike Butler CB238
West Sussex Licensing Inspector
Sussex Police

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