

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, Team Manager, West Sussex County Council Trading Standards Service** 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

Alliance Property Holdings Ltd T/A Morrisons Daily
Vigars Corner
Church Road
Cophorne

Post town : Crawley

Post code (if known): RH10 3RA

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

Alliance Property Holdings Ltd T/A Morrisons Daily
Vigars Corner
Church Road
Cophorne
Crawley
RH10 3RA

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

PWA0095

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)
- 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

FOR & ON BEHALF OF THE RESPONSIBLE AUTHORITY APPLICANT:

Mr Peter Aston
Team Manager
West Sussex County Council Trading Standards Service
Parkside
Chart Way
Horsham
RH12 1XH

Telephone number (if any)

██████████

E-mail (optional)

██████████@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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

✓
✓

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 and
- the protection of children from harm

Full particulars in support of the application are to be found in the next section, but in summary:

Prevention of crime and disorder

On the 8^h of February 2023, during a controlled Trading Standards Test purchasing exercise, a shop employee at Alliance Property Holdings Ltd T/A Morrisons Daily, Vigars Corner, Church Road, Copthorne, Crawley, West Sussex, RH10 3RA, sold alcohol to a Trading Standards volunteer who was under the age of 18.

The sale of alcohol to a person under the age of 18 is a criminal offence under the Licensing Act 2003.

Protection of children from harm

Despite the store displaying Challenge 25 signage around the premises and claiming to operate such policy, the seller did not follow the guidance of such policy, contrary to the Licence Mandatory condition:

“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”.

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

2022

April 2022, the Responsible Authority received an intelligence report, alleging that Alliance Property Holdings Ltd T/A Morrisons Daily, Vigars Corner, Church Road, Copthorne, Crawley, West Sussex, RH10 3RA sold alcohol and vapes to individuals aged under 18.

A Trading Standards Officer from the Responsible Authority made an appointment with the manager of Morrisons Daily (Ms Kirstie EAST) for an advice visit for the 5th August 2022.

On the 5th August 2022 two Trading Standards Officers conducted an advice visit in relation to Morrisons Daily selling age restricted products. Several points around age restricted products and training were discussed during the advice visit with Ms EAST. Both Trading Standards Officers checked training records that were online, till prompts and refusal logs were checked. The refusal log was stored on the businesses EPOS system. Ms EAST read and signed the report that was filled out by the Trading Standards Officers and a copy was given to her.

On the 8th August 2022, a follow up advice letter, which reiterated what was discussed from the advice visit, was sent to Ms EAST.

2023

On the 8^h of February 2023 as part of an underage sales operation the Responsible Authority were carrying out that day. A 17-year-old volunteer under the instruction and supervision of Officers from the Responsible Authority entered Alliance Property Holdings Ltd T/A Morrisons Daily, Vigars Corner, Church Road, Copthorne, Crawley, West Sussex, RH10 3RA. The child volunteer selected one bottle of WKD Blue and took it to the till. A male working behind the till area did not look up once at the volunteer until he had asked for the payment and if the volunteer was paying by cash or card. The male sold the bottle of WKD Blue to the child volunteer, without asking them for any identification.

After securing the bottle of WKD Blue as evidence, Trading Standards Officers immediately returned the shop to explain to the seller about the test purchase and take all the necessary and relevant information to instigate an investigation. Under caution, the seller Mr Ethan

George FELGATE stated the volunteer looked 19 or 20 years old. Mr FELGATE explained that he had started working at Morrisons Daily and it has been approximately two weeks since he had started. Mr FELGATE said that he has had training one week prior and that training was written training and watching videos. The seller said he also had to sign paperwork confirming his training.

When the seller was asked about 'Think 25' Policy, he could not remember. It was then explained to him by a Trading Standards Officer. The seller was asked about any refusal logs to which he said he did not know what it was, and he has never written anything down, but it may be recorded electronically. Mr FELGATE explained that the alcohol was sold to the underage volunteer because he did not think to ask for identification.

On the 22nd May 2023 further questions were put by the Responsible Authority to a representative of the company. The manager Ms Kirstie EAST did not respond to the questions that were put forward.

Several attempts of contact were made to Morrisons Daily.

On the 9th June 2023, a Trading Standards Officer called Morrison Daily and spoke to a manager called Mr MO. Mr MO explained that Ms EAST does not work at Morrisons Daily anymore. Mr MO confirmed they received Ms EASTS questions and that he would respond in the next 7 working days.

On the 12th June 2023, Mr MO called the Trading Standards officer investigating the case and explained that Mr Ethan George FELGATE was fired and it has been sorted. The Trading Standards officer asked Mr MO to respond to the questions that were put forward and to write the above all down.

There has been no response from Morrisons Daily since the 12th June 2023.

Under Section 146 of the Licensing Act 2003, it is a criminal offence to sell alcohol to a child under the age of 18 years old. Section 146(4) contains a defence 'that he believed the individual was 18 or over, and he had either taken all reasonable steps to find out the individual's age or that no one could reasonably suspect from their appearance that they were under 18.'

It is contended the sale of alcohol to an underage person in the circumstances outlined is a breach of the licensing objective 'the protection of children from harm'. The licensee has failed in their responsibilities to promote this licensing objective.

In considering a review of this premises licence, the committee are reminded that the second licensing objective 'Prevention of Crime and Disorder' has also been failed by commission of the criminal offence that took place on the 8th February 2023.

In view of the above sale and subsequent lack of engagement from the business in response to our contact with them, the Responsible Authority do not believe the licensing objectives are being continually upheld at Alliance Property Holdings Ltd T/A Morrisons Daily, Vigars Corner, Church Road, Copthorne, Crawley, West Sussex, RH10 3RA, and deem it both proportionate and necessary to invite the committee to consider a review of the premises licence, to limit further criminal activity by this licence holder and to act as a deterrent to other operators considering such illegal conduct.

Home Office guidance: 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 include 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 is contended that the continued sale/supply of alcohol by this premises licence holder in the circumstances outlined above is a breach of the aforementioned licencing objectives and the premises has demonstrated a particular failure in its ongoing responsibilities to protect children from harm. As underage age 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.

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			

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

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 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 2/8/23

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.