

Public Document Pack

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A meeting of **Alcohol and Entertainment Licensing Sub-Committee** will be held in Committee Room 1, East Pallant House on **Wednesday 15 March 2023 at 2.30 pm**

MEMBERS: Mr J Elliott, Mr H Potter and Mrs S Taylor

AGENDA

Part 1

1 **To elect a Chairman for this Hearing**

2 **Declarations of Interests**

Members and officers are reminded to make any declarations of disclosable pecuniary, personal and/or prejudicial interests they may have in respect of matters on the agenda for this meeting.

3 **Licensing Hearings** (Pages 1 - 65)

Application for a review of a premises licence

Holmbush Stores, 4 Holmbush Way, Midhurst, GU29 9BS

(a) Chair opens the Hearing.

(b) Items arising from Regulation 6 Notice (Notice of Hearing).

(c) Notice of any representations withdrawn.

(d) The procedure will then follow the Sub-Committee protocol attached (procedure circulated separately to the Sub-Committee).

4 **Consideration of any late items as follows:**

(a) items added to the agenda papers and made available for public inspection;

(b) items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers within Part 1 of the agenda on Chichester District Council's website at <http://www.chichester.gov.uk/committees>.
3. Subject to the provisions allowing the exclusion of the press and public, the

photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]

CHICHESTER DISTRICT COUNCIL

THE LICENSING ACT 2003 (THE 'ACT')

THE LICENSING ACT 2003 HEARING REGULATIONS 2005

SUB-COMMITTEE PROTOCOL

PROTOCOL

1. The Notice of Meeting

- (a) The Notice of Sub-Committee meeting issued by the Council shall be accompanied by the following:
 - (i) A report of the Licensing Officer which shall include:
 - (a) Conditions the Licensing Officer considers relevant in the event that the application is granted;
 - (b) Any matters which in his opinion require clarification; and
 - (c) Observations on the application in relation to the Licensing Objectives, National Guidance and local policy.
 - (ii) Where relevant, the notices which have been given by the applicant and other parties under the Act.
- (b) The Notice of Meeting shall be served upon:
 - (i) The applicant (together with copies of relevant representations under the Act);
 - (ii) Persons who have made relevant representations under the Act; and
 - (iii) Where appropriate the Chief Officer of Police who has given notice under the Act.

2. Appearances and Submissions

(a) Constitution of the Sub Committee

A Member of a Ward in which the premises are located and is the subject of an application shall not be a Member of the Sub-Committee determining such application.

(b) Parties entitled to appear

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005 any person making relevant representations, the applicant and the Licensing Officer may attend the hearing and may be assisted or represented by any person whether or not the person is legally qualified.

(c) **At the Hearing**

Any party shall be entitled to:

- (i) Respond to any point in support of their application or representation which the Licensing Authority (the 'Authority') has given notice that it may require further clarification on;
- (ii) Normally to put questions to any other party; and
- (iii) Address the Sub-Committee.

(d) **Consequences of non-attendance**

- (i) The Sub-Committee will normally proceed with a hearing where a party has informed the Authority that it does not intend to attend or be represented at the hearing.
- (ii) Where a party has not so indicated but fails to attend or to be represented at the hearing the Sub-Committee may, at its discretion, where it is considered necessary in the public interest, adjourn the hearing to a later date or hold the hearing in the party's absence subject to, (in the latter case), the Sub-Committee considering the application or representations made by the absent party.

(e) **Submissions to the Sub Committee**

- (i) Subject to each party being given an equal maximum time the Sub-Committee may, at its discretion, where it considers appropriate in the public interest, advise parties that it will impose a time limit on speeches or submissions to be made to it.
- (ii) The Sub-Committee may, at its discretion, request that where a number of relevant representations repeat or in substance repeat a representation, that a representative of those making such representations make submissions to it on behalf of the other parties.
- (iii) The production of draft conditions by the Licensing Officer shall not be construed as influencing the Sub-Committee in advance of hearing representations and are produced for administrative convenience in the event that, following formal determination of the application, the Sub-Committee considers it appropriate to grant consent but with such conditions as it may consider appropriate.
- (iv) The Sub-Committee shall not have regard to any information first produced by a party at the hearing without first obtaining the consent of other parties present at the hearing.

(f) **Conduct at the Hearing**

- (i) The Sub-Committee may, at its discretion, require a person to leave the hearing and refuse to permit that person to return or to return only on such conditions as the Sub-Committee specifies if, in its opinion, that person is behaving in a disruptive manner, provided that such person may submit written evidence in accordance with the Regulations.

- (ii) Any irregularity arising from any failure to accord with this procedure shall not make the hearing void. If any person has clearly been prejudiced the Authority will take appropriate steps to rectify the irregularity before reaching its determination. Clerical mistakes in a document arising from accidental slip or omission may be corrected by the Authority.
- (iii) The public (including any parties or their representatives) may be excluded from part of the hearing where the public interest in so doing outweighs the public interest in the hearing taking place in public.
- (iv) The Sub-Committee may adjourn the hearing to a specified date where it considers it necessary to obtain further information or to facilitate representations or to assess such representation at or in the vicinity of the premises.

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**Licensing Authority, Chichester District Council, East Pallant House,
1 East Pallant, Chichester, West Sussex, PO19 1TY**

Alcohol and Entertainment Licensing Sub-Committee

Date & Time: Wednesday 15 March 2023 at 2:30pm

Venue: Committee Room 1, Chichester District Council, East Pallant House, 1 East Pallant,
Chichester, West Sussex, PO19 1TY

**Application for REVIEW of PREMISES LICENCE
(Application Number – 23/00087/LAPRER)**

Holmbush Stores
4 Holmbush Way
Midhurst
West Sussex
GU29 9BS

1. RECOMMENDATIONS

- 1.1 That the Sub-Committee considers and determines the application made by the Chief Immigration Officer, on behalf of the South-East Immigration Compliance & Enforcement Team ('ICE Team') at the Home Office, seeking a review of the current Premises Licence granted in respect of the premises known as Holmbush Stores, 4 Holmbush Way, Midhurst, West Sussex, GU29 9BS under the Licensing Act 2003 (the 'Act').**
- 1.2 That the Sub-Committee considers the content of this report and any oral or documented evidence during the hearing and determines the review application in accordance with the Act.**
- 1.3 The Sub-Committee is to give reasons for its decision.**

2. REASONS FOR HEARING

- 2.1 On 18 January 2023, this Licensing Authority received an application seeking a review of the current Premises Licence (No. 3815/05/00549/LAPRET) granted in respect of Holmbush Stores, 4 Holmbush Way, Midhurst, West Sussex, GU29 9BS. The application was submitted by Mr Lee Coates, Chief Immigration Officer, on behalf of the South-East ICE Team at the Home Office in their role as a Responsible Authority under the Act.**
- 2.2 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or provide late-night refreshment with effect from 6 April 2017. In effect this conveyed the role of responsible authority to**

Home Office Immigration Enforcement who exercise the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it does so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

- 2.3 The ICE Team submitted the review application under Section 51 of the Act. A copy of the application and supporting documentation is included at Attachment A. It now falls to this Sub-Committee to consider the review application and determine what action, if any, is appropriate.
- 2.4 The grounds for the review are that the following statutory licensing objective under the Act is not being promoted:
- i) Prevention of Crime and Disorder
- 2.5 It is the opinion of the ICE Team that the above licensing objective has been seriously undermined by the Premises Licence holder having been found to be employing illegal workers with no right to work in the United Kingdom due to their immigration status.
- 2.6 Information was provided by the ICE Team supporting their application and set out their findings following a visit to the premises with Sussex Police on 8 November 2022. Additional information and details of subsequent actions associated with the provision of licensable activities and management practices at the premises thereafter was also included within the application. This is provided at Attachment A.
- 2.7 The purpose of this report is to inform the Sub-Committee of the review application received in order that this Licensing Authority can consider whether action is now appropriate to ensure the promotion of the statutory licensing objectives.
- 2.8 The holder of the current Premises Licence is Mr Navaratnam Sathanathan of 30 Pretoria Avenue, Midhurst, West Sussex, GU29 9PP. Mr Sathanathan is also the current Designated Premises Supervisor ('DPS') at the premises. The 'DPS' is ordinarily the key person who is responsible for the day-to-day management of licensed premises at which alcohol may be sold. Mr Sathanathan has held the licence and position of 'DPS' since 5 October 2005.

3. BACKGROUND

- 3.1 Included in this report are the following:
- Alcohol & Entertainment Licensing Sub-Committee – Protocol
 - Copy of the application form for review (and supporting documentation) received from the Chief Immigration Officer, on behalf of the South-East ICE Team at the Home Office (**Attachment A**)
 - Location plan showing the premises subject of review (**Attachment B**);
 - Copy of relevant representations received from the Alcohol And Late Night Refreshment Team, Interventions Sanctions And Compliance, Immigration Enforcement at the Home Office, Sussex Police and the Valuation & Estates Manager, Estates Team at Chichester District Council (**Attachment C**); and

- Copy of current Premises Licence (No 3815/05/00549/LAPRET) granted in respect of the Holmbush Stores, 4 Holmbush Way, Midhurst, West Sussex, GU29 9BS (**Attachment D**).
- Photos of the statutory notice displayed at premises subject of review (**Attachment E**).

3.2 At any stage following the grant of a Premises Licence, any person or Responsible Authority may request the Licensing Authority to review a licence because of a matter, or matters, arising at the premises which raise concerns in connection with the promotion of one or more of the licensing objectives, these are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance, and
- The protection of children from harm

3.3 In arriving at its decision, the Sub-Committee must have regard to:

- the evidence presented both orally and documented
- Home Office Guidance issued under Section 182 of the Act (issued December 2022), particularly Chapter 11 (Reviews) and,
- this Licensing Authority's current Statement of Licensing Policy 2022 to 2027. At paragraph 13.5 of the policy, it states that *'When considering an application for a review, the Licensing Authority will carefully consider the wide range of powers available to it under the Act that it may exercise when it considers it appropriate to promote and properly fulfil the licensing objectives. It being recognised that the review process is a key protection for the community where problems associated with the licensing objectives occur.'*

3.4 The Licensing Authority must, having regard to the review application and any relevant representations received. The Licensing Act 2003 provides a range of powers which the Authority may exercise, where it considers them appropriate, on determining a review, in order to promote the licensing objectives. These steps are:

- 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
- suspend the licence for a period not exceeding three months, or
- revoke the licence

3.5 Of course, the Licensing Authority may also decide that the review does not require further appropriate steps to promote the licensing objectives and there is nothing to prevent the Authority issuing a simple written warning or indeed taking no action at all.

4. HISTORY AND SUMMARY OF THE REVIEW APPLICATION

4.1 Holmbush Stores is situated in a parade of residential properties within a predominantly residential area. There are no other retail or licensed premises in the parade.

- 4.2 The area is densely populated with residential dwellings including flats above and immediately adjacent to the licensed premises as depicted in the photographs at Attachment E.
- 4.3 Holmbush Stores is owned by Chichester District Council, leased to the current Premises Licence holder and has been used as a newsagents/ convenience store both licensed and unlicensed for many years. A plan and photographs showing the location of the premises are included at Attachment B.
- 4.4 Holmbush Stores has benefitted from a Premises Licence granted under the Act since 5th October 2005. As mentioned earlier in this report, Mr Sathananthan has held the Licence since this date along with the position of Designated Premises Supervisor. A copy of the current Premises Licence (No. 3815/05/00549/LAPRET) is attached at Attachment D.
- 4.5 As stated above, the Licensing Authority received the application to review the current Premises Licence on 18 January 2023. The application by the ICE Team was made electronically with a hard copy subsequently given to the Premises Licence holder by the responsible authority.
- 4.6 Following receipt of the review application, a statutory 28-day consultation period began during which representations could be submitted to the Licensing Authority. The representation period finished on 15 February 2023. As part of the review process, the Licensing Authority erected Public Notices at the premises (photos of notice on display are shown at Attachment E) and displayed a further copy of the same Notice in the main reception area of the Council offices at East Pallant House. The Notices remained on display throughout the representation period and a copy of the application was also made available on the council's website.
- 4.7 The current Premises Licence permits the retail sale of alcohol for consumption off the premises. The standard days and timings of this are –
- Monday to Saturday 08.00 to 23.00
 - Sunday 10.00 to 22.30
 - Good Friday 08.00 to 22.30
 - Christmas Day 12.00 to 15.00 and 19.00 to 22.30
- 4.8 The opening hours of the premises are unspecified on the Premises Licence.
- 4.9 Within their application the ICE Team refer to sections of the Home Office Statutory Guidance amended and issued during December 2022 in that the review mechanism will be used effectively to deter certain activities and prevention of crime. The Home Office Guidance states *“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.”*

5 RELEVANT REPRESENTATIONS

- 5.1 Relevant representations were received during the representation period from Sussex Police and the Alcohol And Late Night Refreshment Team, Interventions Sanctions And Compliance, Immigration Enforcement at the Home Office, both in their role as responsible authorities under the Licensing Act 2003. A further

representation was received from the Valuation and Estates Manager on behalf of the Estates Team at Chichester District Council. Chichester District Council are the freehold owners of 4 Holmbush Way, Midhurst and lease it to Mr Navaratnam Sathanathan, the current Premises Licence holder. All representations are included at Attachment C.

- 5.2 Sussex Police state in their representation that they *“support the review application by Immigration Enforcement requesting revocation of the premises licence”* whilst also referring to the revised Home Office Guidance which states that the employment of a person who is disqualified from work by reason of their immigration status in the UK is a criminal activity which should be treated particularly seriously.
- 5.3 Sussex Police also refer to the findings of an unannounced licensing visit conducted at the premises on 27 January 2023. Sussex Police state in their representation that *“should the Council Licensing Committee decide not to revoke the licence, then Sussex Police invite the Committee to update the Premises Licence conditions up to current modern standard.....”*. They have subsequently suggested within their representation a number of conditions which they believe would promote the licensing objectives.
- 5.4 The Alcohol And Late Night Refreshment Team, Interventions Sanctions And Compliance, Immigration Enforcement at the Home Office submitted a representation in support of the application for review. In this they confirm that they *“believe the license holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.”*. They confirm within the representation that on Tuesday 8 November 2022 officers from Southeast Immigration Compliance and Enforcement (ICE) attended the convenience store with Sussex Police and that three individuals were encountered at the premises with no right to work in the United Kingdom. All three illegal workers were arrested and detained pending removal back to their home countries. An illegal working civil penalty notice was issued to the business with a potential maximum penalty of £60,000 for the 3 workers encountered.
- 5.5 Mr Kevin Gillett, as the Valuation & Estates Manager for Chichester District Council submitted a relevant representation in which he states *“...details of the case that instigated the application by the Home Office to review the Premises Licence are deeply troubling and potentially represent a breach of several leasehold obligations...”*. Mr Gillett further states *“From a landlord’s perspective, tenants are required to avoid any illegal or immoral activity and to provide full details of all notices and orders issued by any government department, local or public regulatory authority”*. It is noted that the Premises Licence holder neglected to advise the council’s Estates department of the Home Office actions.

6. CONSIDERATION

- 6.1 In reaching its determination, the Sub-Committee must take into consideration the promotion of the four statutory licensing objectives, the Council’s Statement of Licensing Policy, the current Home Office Guidance along with written and/ or oral evidence during the hearing.
- 6.2 It is very important to note that these are the only matters to be addressed by the Licensing Authority when considering this application. The licensing objectives are

the only grounds on which representations can be made, and the only grounds on which the Licensing Authority may consider and determine the review application.

- 6.3 Human Rights considerations must be taken into account fully in balancing licensing issues, in particular, article 1 of the first protocol and articles 6 and 8. Article 1 relates to the protection of property and the peaceful enjoyment of possessions and property (holding a licence would be considered a possession). Article 8 relates to the right to respect for private and family life, home and correspondence. Article 6 relates to the right to a fair trial. These are however qualified rights and can be deprived of "in the public interest". Interference is permissible if what is done: -
- Has its basis in law;
 - Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim,
 - Is proportionate to the aims being pursued; and,
 - Is related to the prevention of crime or, the protection of public order or health or the protection of the rights and freedoms of others.
- 6.4 The Sub-Committee must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 6.5 All applications before the Sub-Committee must be considered against the backdrop of anti-discriminatory legislation including the Equality Act 2010 and in accordance with the Council's current Equality Strategy.
- 6.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from Responsible Authorities and any other person(s).
- 6.7 The Sub-Committee are required to give reasons for their decision.

7. OPTIONS OPEN TO THE SUB-COMMITTEE

- 7.1 As is stated at paragraph 3.4 above, when considering and determining an application for a review of a Premises Licence, the Sub-Committee have various options available to them so as to ensure the promotion of the licensing objectives. These can be a combination of one or more of the following in respect of the Premises Licence.
- 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;
 - suspend the licence for a period not exceeding three months; or
 - revoke the licence.

7.2 The Sub-Committee may also choose not to take any action and a warning may simply be issued. Any steps necessary to promote the licensing objectives should be specified.

7.3 Under Section 181 and Schedule 5 of the Act, right of appeal to the Magistrates' Court in respect of application for review of an existing licence include:

- The applicant or licence holder may appeal against any decision to modify the conditions of the licence, suspend, or revoke a licence;
- The applicant may appeal against a rejection in whole or part of an application to review; and
- Those that have made relevant representations may appeal against a review being granted, rejected, or against the modification or lack of modification of any conditions.

8. BACKGROUND PAPERS

- Licensing Act 2003 (as amended)
- Home Office Guidance issued under Section 182 of the Licensing Act 2003 (December 2022)
- Chichester District Council's current Statement of Licensing Policy 2022-207

9. ATTACHMENTS

Attachment A **Application for review and supporting documentation submitted by the Chief Immigration Officer on behalf of the South-East ICE Team at the Home Office**

Attachment B **Location plan showing the premises subject of the review**

Attachment C **Copy of relevant representations received from Sussex Police, the Alcohol and Late Night Refreshment Team, Interventions Sanctions And Compliance, Immigration Enforcement at the Home Office and the Estates Team at Chichester District Council**

Attachment D **Copy of current Premises Licence (3815/05/00549/LAPRET)**

Attachment E **Photos of the statutory notice displayed at premises subject of review**

Contact: Mr L Foord
Divisional Manager
Communications, Licensing & Events
lfoord@chichester.gov.uk
01243 534742

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Holmbush Stores, 4 Holmbush Way, Midhurst, West Sussex, GU29 9BS

RELEVANT REPRESENTATIONS

Responsible Authority	Name and address	Stance
1	The Alcohol And Late Night Refreshment Team <i>Interventions Sanctions And Compliance, Immigration Enforcement, Home Office, 15th Floor Long Corridor, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY</i>	SUPPORT REVIEW REQUEST
2	Estates Team <i>c/o Mr Kevin Gillett, Valuation & Estates Manager, Chichester District, Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY</i>	SUPPORT REVIEW REQUEST
3	Chief Officer of Sussex Police <i>c/o Licensing Officer, Centenary House, Durrington Lane, Worthing, West Sussex, BN13 2QB</i>	SUPPORT REVIEW REQUEST

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ATTACHMENT A

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FORM: L20

Case Reference Number:
(office use only)

LICENSING AUTHORITY

Chichester District Council, East Pallant House, East Pallant, Chichester, West Sussex, PO19 1TY

Application for the review of a Premises Licence

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 CIO 8140 COATES 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

Holmbush Stores
3-4 Holmbush Way
Midhurst
West Sussex
GU29 9BS

Post town Midhurst

Post code GU29 9BS

Name of Premises Licence holder

Mr Navaratnam Sathananthan

Number of Premises Licence

3815/05/00549/LAPRET

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 Chief Immigration Officer 8140 South East - Immigration Compliance & Enforcement (ICE) Team Immigration Enforcement Home Office Ashdown House Gatwick Airport, RH6 0NP
Telephone number (if any) 03001060940
E-mail (optional) LITSussexArrest@homeoffice.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 type="checkbox"/> |

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

South East - Immigration Compliance & Enforcement (ICE) Team, aka Immigration Enforcement (the 'responsible authority'), contends the following licensing objective has been undermined by the carrying on of licensable activities at these premises:

- the prevention of crime and disorder

Holmbush Stores, 3-4 Holmbush Way Midhurst, West Sussex, GU29 9BS has been seriously undermined by the premises licence holder who have been found to be employing illegal workers who

have no right to work in the United Kingdom due to their immigration status.

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

On Tuesday 8th November 2022 Southeast Immigration Compliance and Enforcement officers attended the convenience store with Sussex Police. 3 x illegal workers were identified on the premises. 3 of whom were arrested and detained pending removal back to their home countries. An illegal working civil penalty notice was issued to the business with a potential maximum penalty of £60,000 for the 3 workers.

Appropriate checks had not been made at the premises by the Premises Licence Holder to ensure that all the staff they employed had a right to work in the United Kingdom. Two of the workers were overstayers in the UK having previously been granted visitor visas and one was an Illegal entrant who had arrived in a lorry in 2007 with no immigration status.

From evidence gathered on the day it suggests that the employer is paying cash in hand to his staff, two of the staff members admit that the owner and licence holder Sathananthan knows that they have no permission to work in the UK.

All three Indian nationals encountered at the convenience store have now claimed Asylum in the UK. The applications remain outstanding as of 16/01/23

Included with this license review application as further supporting evidence is the following:

- 1 x referral notices – illegal working civil penalty –
- 3 x Q&A's with individuals encountered on the day – redacted

Whilst it is noted that these cases are currently being dealt with by way of a civil penalty that does not alter the fact that the licensing objective of the prevention of crime and disorder has been undermined by the actions of the premises licence holder.

Staff who are not officially registered as employees will not be afforded protection under employment law or other safeguarding mechanisms. The individuals employed at this premises could not have provided the requisite paperwork, national insurance number, nor tax code as they are illegally present in the UK. In this instance the failure to put appropriate checks in place has resulted in three individuals being unlawfully employed at the premises. The individuals are paid cash in hand. There is no evidence to suggest any NI contributions are being paid.

The licensing objectives are in place for the avoidance of future harm and, as cited in the High Court ruling in relation to East Lindsey District Council v Abu Hanif, where there is evidence of defrauding HMRC, exploitation of vulnerable workers and a failure to pay the minimum wage, then in those circumstances, albeit being dealt with by way of civil penalty, the crime and disorder licensing objective is clearly engaged.

SEICE are not suggesting that the individuals encountered at the premier store are vulnerable or subject to modern slavery. However interviews conducted with those encountered on the day suggest all money is cash in hand and there is a high probability that workers are being paid below the minimum wage.

Revised Guidance issued under section 182 of the Licensing Act 2003 – December 2022

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The

licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

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 employing a person who is disqualified from that work by reason of their immigration status in the UK;

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.

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

x
x

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 ...17/01/2023

Capacity ...Chief Immigration Officer

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.

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Illegal Working - Employee

Details

Type of work	Visit
Visit reference	[REDACTED]
Created by	Johnson [REDACTED]
ProntoID	[REDACTED]
Subject CID Person ID	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	[REDACTED]
Subject gender	Male
Time	11:06
Created at geolocation	[REDACTED] [REDACTED]
Creation date	08-11-2022 11:06:17

Language of Interview


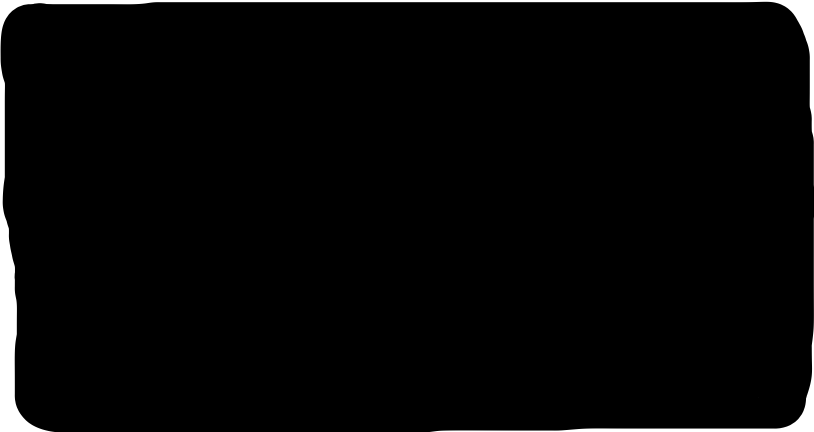
What language is the interview carried out in?	English
Interpreter used?	No

Obligation


How long have you been working here?	Since 2018
What is your job role/ what are your duties?	Sales assistant
What days/ hours do you work each week?	Monday to Friday 40-45 hours a week
Do you work the same hours/ days every week?	Yes

Control

Who gave you this job (name and role in business)?	Your boss satha
Who tells you what days/ hours to work?	The boss
Who tells you what tasks/ duties to do each day?	Boss tells me everything

Remuneration	
How are you paid (money, accommodation, food)?	Money and accommodation
If money, how much and how do you receive it?	£250 a week cash or by card
Who pays you?	Boss
Do you pay income tax or have a National Insurance number?	No
Pre-employment Checks	
What name does the employer know you as?	He knows me ranjan
Did you show documents before being offered the job? If so, what?	No he didn't ask
Does your employer know you're not allowed to work in the UK?	No I thought I wasn't aware that I wasn't
Additional Questions	
No details provided.	
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
	 08-11-2022 11:20:13
Observations	
Observations	Was encountered behind the till serving customers and stacking shelves
Do you suspect this person of illegal working?	Yes

Illegal Working - Employee	
Details	
Type of work	[REDACTED]
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntoID	[REDACTED]
Subject CID Person ID	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	[REDACTED]
Subject gender	[REDACTED]
Time	[REDACTED]
Created at geolocation	[REDACTED]
Creation date	08-11-2022 12:16:41
Language of Interview	
What language is the interview carried out in?	Tamil
Interpreter used?	Yes
Details of interpreter	[REDACTED]
Does the individual understand the interpreter?	Yes
Obligation	
How long have you been working here?	Around 2 months I have been helping out here.
What is your job role/ what are your duties?	When he has deliveries I carry things and put them in whatever place. I just do the work that I am told. When there isn't deliveries I cook for him.
What days/ hours do you work each week?	It all depends what is needed. I will do whatever work. It isn't every day, deliveries come on a Tuesday so I will do it then.
Control	
Who gave you this job (name and role in business)?	[REDACTED], he is an employee and I help him.
Who tells you what days/ hours to work?	[REDACTED] tells me.

Remuneration	
How are you paid (money, accommodation, food)?	He doesn't pay me anything but he gives me food and allows me to stay here. I don't have to pay rent here because of this.
Pre-employment Checks	
What name does the employer know you as?	Yoga.
Did you show documents before being offered the job? If so, what?	No I didn't show anything because I didn't have anything.
Does your employer know you're not allowed to work in the UK?	Yes he knows. I told him also.
Additional Questions	
No details provided.	
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature	
Observations	
Observations	
Do you suspect this person of illegal working?	Yes

Illegal Working - Employee

Details

Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntoID	[REDACTED]
Subject CID Person ID	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	[REDACTED]
Subject gender	[REDACTED]
Time	10:58
Created at geolocation	[REDACTED] [REDACTED]
Creation date	08-11-2022 10:58:49

Language of Interview

What language is the interview carried out in?	English
Interpreter used?	No

Obligation

How long have you been working at this Premier?	About 1 months
What is your job role/ what are your duties?	I am a cleaner. I clean the store.
What days/ hours do you work each week?	3-4 days a week. 6-7hours a day. I start about 1400 and finish at 2100/2200.
Do you work the same hours/ days every week?	No my days are different every week
do you work in the esso garage as well?	Yes I clean it

Control

Who gave you this job (name and role in business)?	[REDACTED] he doesnt work here but he gave me the job
Who tells you what days/ hours to work?	[REDACTED] tells me what to do. He calls me to tell. He calls me on a Saturday or a Sunday and tells me what I need to work for the next week.

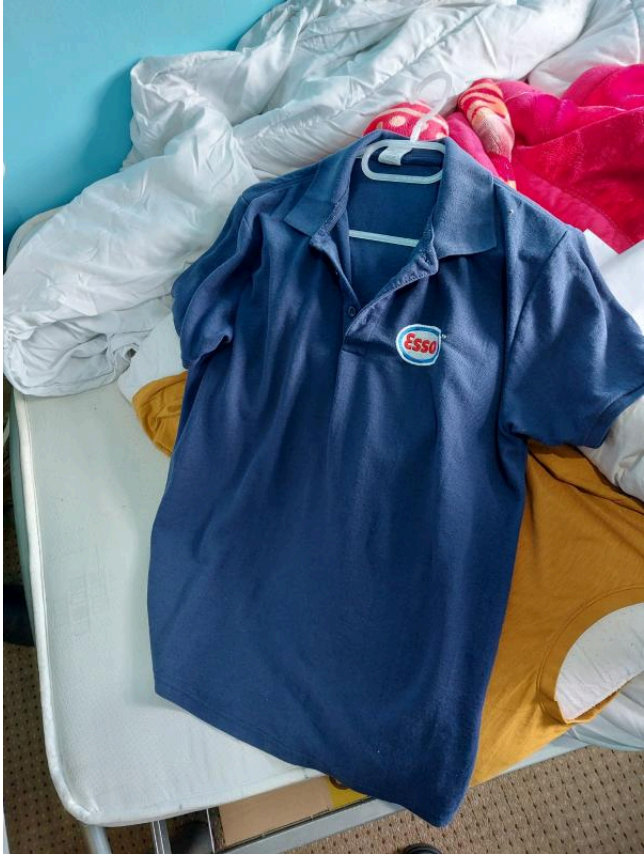
Who tells you what tasks/ duties to do each day?	Yoga.
Who is your supervisor when you're at work?	I don't have a supervisor at work
Remuneration	
How are you paid (money, accommodation, food)?	I get cash. I am also allowed to stay here.
If money, how much and how do you receive it?	£300 a week in cash.
Who pays you?	[REDACTED] e comes here and gives me the cash
Do you pay income tax or have a National Insurance number?	No.
Pre-employment Checks	
What name does the employer know you as?	My first name.
Did you show documents before being offered the job? If so, what?	No.
Does your employer know you're not allowed to work in the UK?	Yes he knows.
Additional Questions	
No details provided.	
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
[REDACTED]	[REDACTED]

Observations

Observations Subject confirmed that he understood all questions asked and that he has provided honest answers.

Do you suspect this person of illegal working? Yes

Photo 1



Caption uniform found in subjects wardrobe in his room

Management Checks Complete

Date management checks complete [REDACTED]

Reviewer(s) [REDACTED]

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Home Office

Referral Notice

Illegal Working Civil Penalty

To: MR SATHANANTHAN

Tasking Reference: EV12-855721

Visited address: PREMIER
HOLMBUSH CONVENIENCE
STORE 3-4 HOLMBUSH WAY
MIDHURST, GU29 9BS

Notice given date: 8/11/22

Issued to: [REDACTED]

Position: SALES ASSISTANTS

**This is an important notice.
Please do not ignore it.
Your case will be referred for consideration of your liability for a civil
penalty**

This Referral Notice is issued in respect of (a) suspected breach(es) under section 15 of the Immigration, Asylum and Nationality Act 2006.

We have encountered suspected illegal working

We encountered (a) suspected breach(es) of section 15 on 8/11/22 at the visited address shown above.

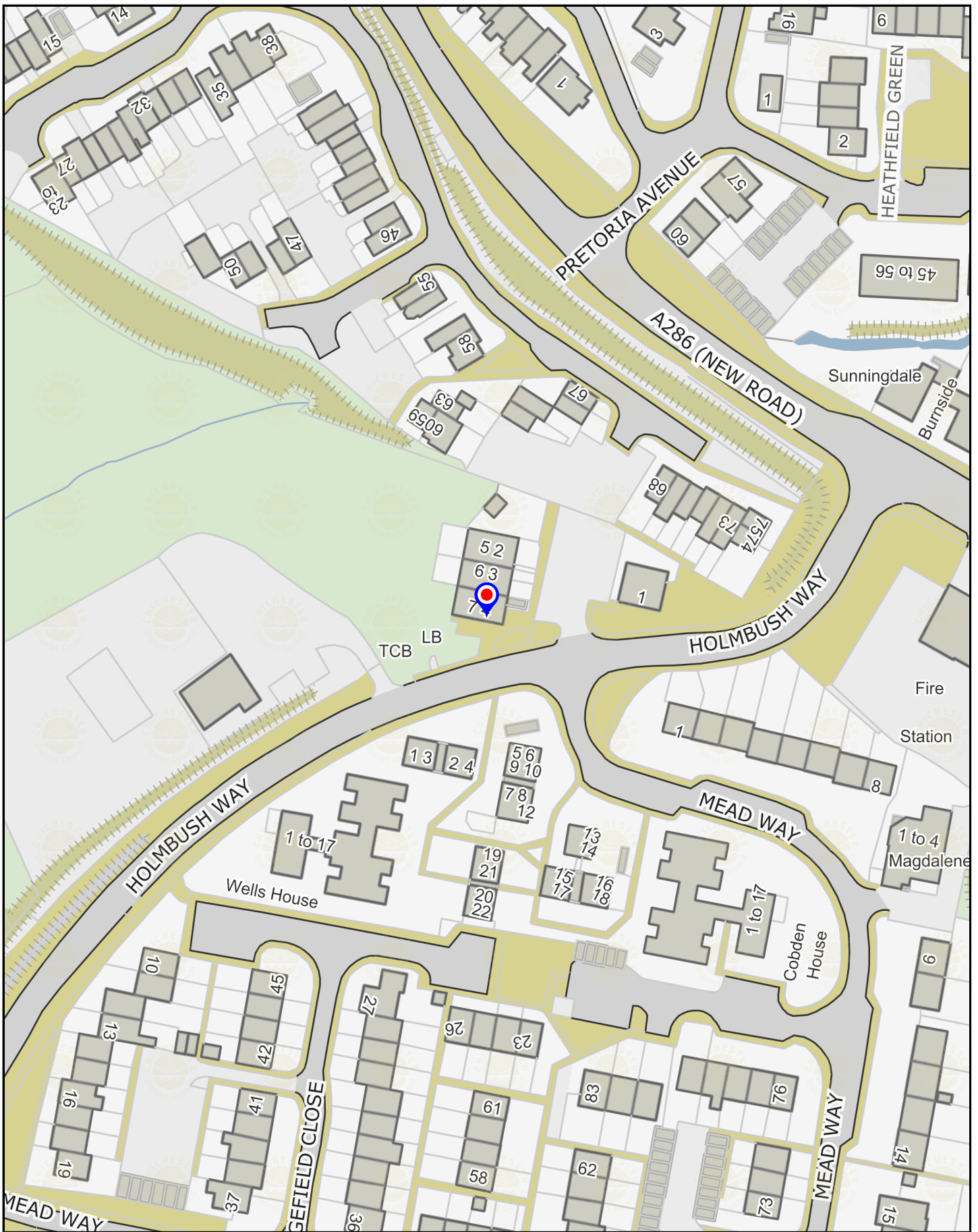
Who we suspect of working illegally

	Names of suspected illegal workers	DOB	Reason
1	[REDACTED]	[REDACTED]	No right to work/ Working in breach
2	[REDACTED]	[REDACTED]	No right to work/ Working in breach
3			No right to work/Working in breach
4			No right to work/Working in breach
5			No right to work /Working in breach
6			No right to work/Working in breach
7			No right to work/Working in breach
8			No right to work/Working in breach

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ATTACHMENT B

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Holmbush Stores 4 Holmbush Way Midhurst West Sussex GU29 9BS



© Chichester District Council

N
Scale: 1:1250

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ATTACHMENT C

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Immigration Enforcement

Immigration representation in support of an application for the review of a premises Licence

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations in support of the following application for the review of a premises licence, relating to the prevention of crime and disorder objective, including the prevention of illegal working and immigration crime in licensed premises.

IE wishes to make representations on an application for a review of a premises licence.

Details of Premises:			
Premises Licence Holder:			
Mr Navaratnam Sathananthan			
Name and Address of Premises:			
Holmbush Stores 4, Holmbush Way, West Sussex			
Post Town:	Midhurst	Post Code:	GU29 9BS

Representations are being made for the following reasons:

We have grounds to believe the license holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working.

On Tuesday 8th November 2022 officers from Southeast Immigration Compliance and Enforcement (ICE) attended the convenience store with Sussex Police.

Three individuals were encountered at the premises with no right to work in the United Kingdom. All three illegal workers were arrested and detained pending removal back to their home countries. An illegal working civil penalty notice was issued to the business with a potential maximum penalty of £60,000 for the 3 workers encountered.

Signatures

Signature of Responsible Authority

Home Office Immigration Enforcement

Date:

10/02/23

Capacity:

**Responsible
Authority**

Details of Responsible Authority

Name and Address:

Home Office Immigration Enforcement
The Alcohol and LNR Licensing Team
40 Wellesley Road
Croydon
CR9 2BY

Email address
(optional):

alcohol@homeoffice.gov.uk

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Kevin Gillett
Valuation & Estates Manager
Chichester District Council
01243 534632
or e-mail: kgillett@chichester.gov.uk

KJG/MI(H.2)

Sent via email: dknowles-ley@chichester.gov.uk

15th February 2023

Dear Mr Knowles-Ley


Application for the Review of a Premises Licence
Holmbush Stores, 4 Holmbush Way, Midhurst, West Sussex, GU29 9BS
Case Reference Number: 23/00087/LAPRER
Premises Licence Number: 3815/05/00549/LAPRET

This written representation in respect to the above captioned matter is made in my capacity as Valuation & Estates Manager for Chichester District Council. The management of this premises is the responsibility of the Estates team, with the premises subject to a lease to Mr Sathananthan.

The details of the case that instigated the application by the Home Office to review the Premises Licence are deeply troubling and potentially represent a breach of several leasehold obligations which we will be raising directly with Mr Sathananthan. From a landlord's perspective, tenants are required to avoid any illegal or immoral activity and to provide full details of all notices and orders issued by any government department, local or public regulatory authority. To date, Mr Sathananthan has neglected to advise the Estates department of the recent actions of the various government agencies involved in this matter.

For the avoidance of doubt, the lease is not conditional on the holding of a relevant Premises Licence, but obviously the trading of items covered under such a licence would not be permitted. That being said, the actions of Mr Sathananthan clearly indicate that a thorough review of his lease and ongoing tenancy is required. A continuation of the existing Premises Licence would therefore raise a number of concerns for me about Mr Sathananthan's future conduct and his ability to adhere to the terms of the lease, in view of the representations made against him.

Yours sincerely

A black rectangular box redacting the signature of Kevin Gillett.

Kevin Gillett
Valuation & Estates Manager

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Sussex Police
Serving Sussex

www.sussex.police.uk

West Sussex Division
Neighbourhood Licensing Team

West Sussex Licensing Team
Centenary House
Durrington Lane
Worthing
West Sussex
BN13 2PQ

Tel: 01273 404 030



14th February 2023

Mr David Knowles-Ley
Licensing Unit
Chichester District Council
East Pallant House
1 East Pallant
Chichester
PO19 1TY

Dear Mr Knowles-Ley,

RE: APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR HOLMBUSH STORES, 3 – 4 HOLMBUSH WAY, MIDHURST, WEST SUSSEX, GU29 9BS. UNDER THE LICENSING ACT 2003. YOUR REF: 23/00087/LAPRER.

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 Immigration Enforcement after an unannounced visit to the premises when three illegal workers were found to be working.

Sussex police support the review application by Immigration Enforcement requesting revocation of the premises licence. Sussex police also refer the Committee to the revised Guidance under S.182 of The Licensing Act 2003 and particularly paragraph 11.27. This expressly states that the employment of a person (*note the singular) who is disqualified from that work by reason of

Sussex Police Headquarters
Malling House Malling, Lewes, East Sussex, BN7 2DZ

Telephone: 101 | 01273470101

their immigration status in the UK is a criminal activity which should be treated particularly seriously. It is envisaged that the 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 review 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.

*We note in this case that three persons were found to be employed at the premises illegally.

Holmbush Stores has a premises licence to sell alcohol off sales 08:00 to 23:00 Monday to Saturday and 10:00 to 22:30 on a Sunday. Sussex police note with some concern that there are no conditions whatsoever in annexe 2 of the licence to promote the licensing objectives.

On the 27th of January 2023 at 11:30 a police licensing officer attended Holmbush Stores unannounced to conduct a licensing inspection.

We note with concern that:

- When asked the DPS could not produce part A of the licence;
- Part B of the licenced (which should be on clear public display was displayed behind the counter, but out of sight of the public;
- No challenge 25 posters were on display anywhere in the shop;
- When the officer asked to see the refusals register and incident book, the DPS stated that all refusals of alcohol were recorded in a diary. When the dairy for 2022 was requested and inspected, it was noted that there were no refusals entries in the 2022 diary for the entire year.
- When the officer asked to see the premises training records for alcohol sales, the DPS stated that there were no documented training records, and all training was provided verbally.
- When the officer arrived one member of staff was working on their own and the DPS was not present, although the DPS did arrive a short time later. The officer noted that the member of staff appeared to have little knowledge and understanding of licensing and alcohol sales responsibilities, and in the opinion of the officer appeared to have receive little if any training.
- CCTV was installed and in operation, but only the DPS knew how to operate it. This can lead to difficulties in the event that CCTV footage is required urgently for an investigation and the DPS is unavailable or cannot be contacted.

If the shop applied for an alcohol licence today, it would be required to have a number of clear, concise, and specific licence conditions in annexe 2 of the licence to ensure and evidence that the licensing objectives are being promoted.

Should the Council Licensing Committee decide not to revoke the licence, then Sussex police invite the Committee to update the premises licence conditions up to current modern standards by replacing all of the existing conditions in annexe 2 of the licence with the following:

The prevention of crime and disorder:

Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

The 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. The time will be amended promptly when British Summer Time starts and ends.

Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

Any breakdown or system failure will be notified to the Police Licensing Department immediately (and retain documentary evidence in the form of an acknowledgement or receipt that this has been done) & remedied as soon as practicable.

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.

All off sales of alcohol will be made in sealed containers.

Spirits will be stored and displayed behind the server/service counter out of the reach of the public.

For the Protection of Children from Harm:

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.

The Premises Licence Holder shall ensure that all staff members (including family members, friends and all temporary staff) engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:

- 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 three months, with the date and time of the verbal reinforcement/refresher training documented.

All such training and refresher training undertaken by staff members shall be fully documented and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

The premises shall at all times maintain and operate an incident log and refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor (with the date and time of each review documented) at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book will be kept at the premises and made available to officers of any responsible authority upon request. All incidents recorded in the log/refusals register will be retained on the premises for a minimum of twenty four months.

Feedback will be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.

A list of staff members who are authorized to sell alcohol on the premises will be kept. This shall be endorsed by the DPS with the date of such authorisation commences.

At all times the premises is open and undertaking licensable activities, members of staff must be able to communicate sufficiently to enable them to promote the four licensing objectives, specifically, the ability to make effect age and identification challenges and to ensure alcohol is retailed responsibly.

Conditions for alcohol delivery service:

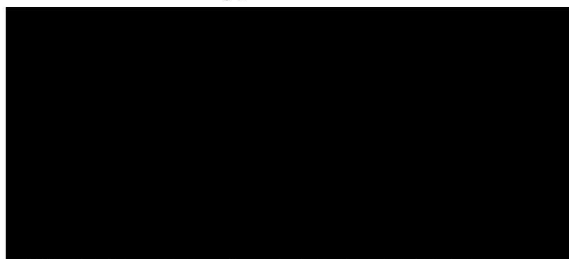
Alcohol deliveries will only be made to a residential or business address and not to a public place.

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.

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,



**West Sussex Licensing Inspector
Sussex Police**

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ATTACHMENT D

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Licensing Act 2003
Premises Licence - Part A

Chichester District Council East Pallant House 1 East Pallant
Chichester West Sussex PO19 1TY

Premises Licence Number - 3815/05/00549/LAPRET

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including post town, post code

Holmbush Stores
4 Holmbush Way
Midhurst
West Sussex
GU29 9BS

Telephone number 01730 812843

Where the licence is time limited the dates

From N/A to N/A

Licensable activities authorised by the licence

Playing of Recorded Music
Sale by Retail of Alcohol

Signed
for J P Kingdon BSc, MSc, MPhil, MEd, MA, FHEA
Director of Health and Community Wellbeing

Premises Licence No. 3815/05/00549/LAPRET

Granted on: 5th October 2005

Page 1 of 5

Times the licence authorises the carrying out of licensable activities
Playing of Recorded Music <i>Standard Days and Timings</i> Every Day 00:00 - 00:00
Sale by Retail of Alcohol <i>Standard Days and Timings</i> Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30 Good Friday 08:00 - 22:30 Christmas Day 12:00 - 15:00 and 19:00 - 22:30

The opening hours of the premises	Seasonal variation
Unspecified	None

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption off the premises.

Signed
 for J P Kingdon BSc, MCIEH, MIOSH
 Director of Health and Community Wellbeing

Premises Licence No. 3815/05/00549/LAPRET

Granted on: 5th October 2005

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of Premises Licence

Mr Navaratnam Sathananthan
30 Pretoria Avenue
Midhurst
West Sussex
GU29 9PP

Contact Phone Number 01730 815413


Registered number of holder, for example company number, charity number

Not Applicable

Name, address and telephone number of Designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol

Mr Navaratnam Sathananthan

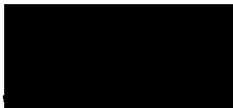


Contact Phone Number 

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 Number – 3815/05/00550/LAPERT
Licensing Authority – Chichester District Council

Signed
for J P Kingdon BSc, MCIEH, MIOSH
Director of Health and Community Wellbeing



Premises Licence No. 3815/05/00549/LAPRET

Granted on: 5th October 2005

Annex 1 – Mandatory conditions

- 1 Alcohol - s19 Licensing Act 2003
 - (i) No supply of alcohol may be made under the Premises Licence at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended, and
 - (ii) Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
- 2 Alcohol shall not be sold or supplied except as permitted by this licence. However, these restrictions do not prohibit:
 - (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
- 3 Alcohol shall not be sold in an open container or be consumed on the licensed premises.
- 4 Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.
- 5 The licence holder shall have regard to the statutory provisions contained within the Children and Young Persons Act 1933 (as amended).

Annex 2 – Conditions consistent with the Operating Schedule

None

Annex 3 – Conditions attached after a hearing by the Licensing Authority

None

Signed
for J P Kingdon BSc, MChEM, MChOH
Director of Health and Community Wellbeing

Premises Licence No. 3815/05/00549/LAPRET

Granted on: 5th October 2005

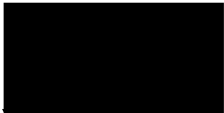
Annex 4 – Plan(s)

The attached undated plan referenced **PLAN/05/00549/LAPRET** shows the area(s) licensed for the purposes of the Licensing Act 2003.

NOTES

Please note that this Premises Licence may have been subject to exclusion of a licensable activity, modification of the conditions, removal of the Designated Premises Supervisor, suspension or revocation and also the name and address of the licence holder may not currently be valid. If you wish to verify the current status of the licence, you should contact Chichester District Council.

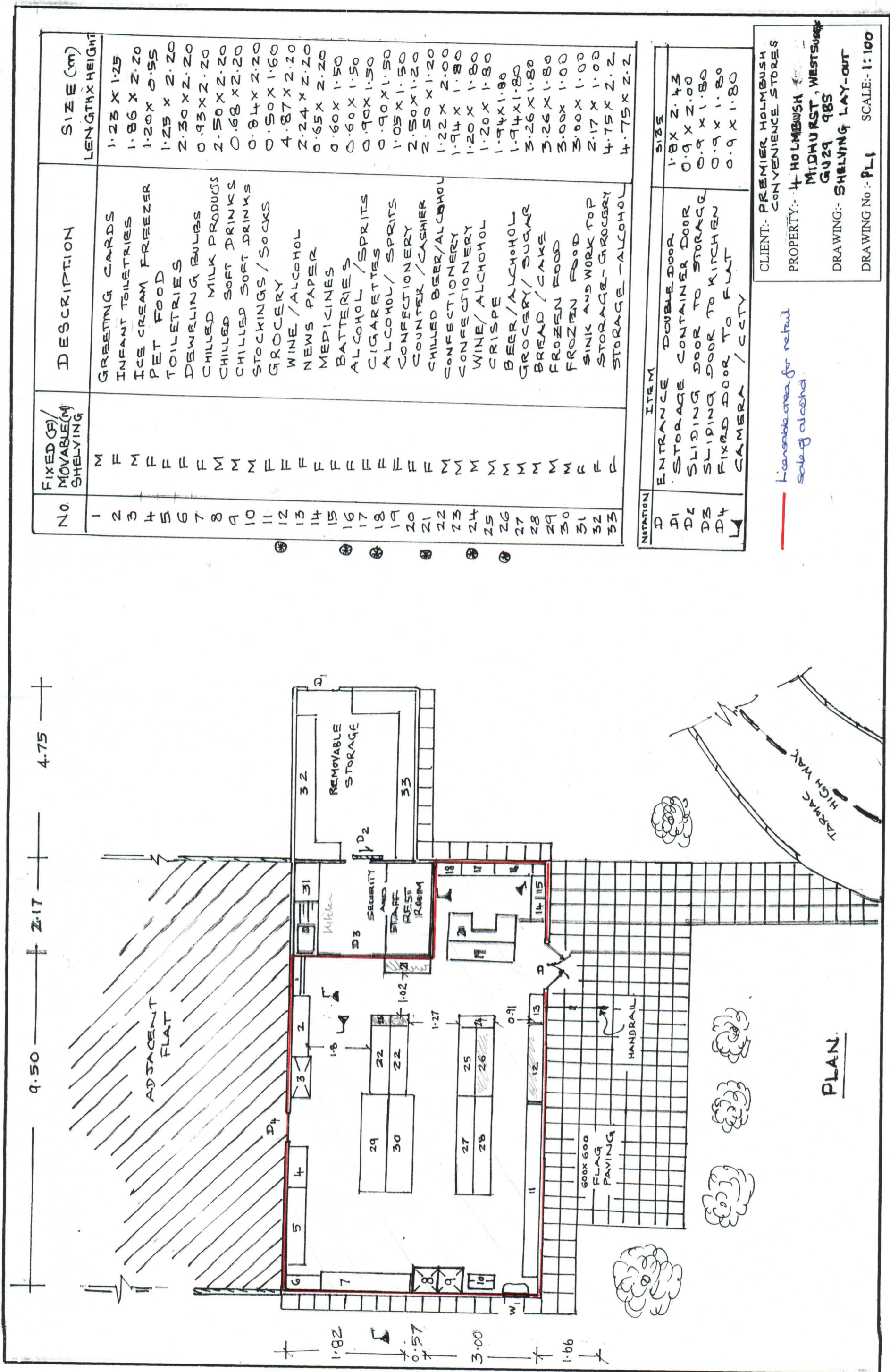
Signed
for J P Kingdon BSc, MCIEH, MIOSH
Director of Health and Community Wellbeing



Premises Licence No. 3815/05/00549/LAPRET

Granted on: **5th October 2005**

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No	FIXED (F)/ MOVABLE (M) SHELVING	DESCRIPTION	SIZE (m) LENGTH X HEIGHT
1	M	GREETING CARDS	1.23 X 1.25
2	F	INFANT TOILETRIES	1.86 X 2.20
3	M	ICE CREAM FREEZER	1.20 X 0.55
4	F	PET FOOD	1.25 X 2.20
5	F	TOILETRIES	2.30 X 2.20
6	F	DEWELING BULBS	0.93 X 2.20
7	F	CHILLED MILK PRODUCTS	2.50 X 2.20
8	M	CHILLED SOFT DRINKS	0.68 X 2.20
9	M	CHILLED SOFT DRINKS	0.84 X 2.20
10	M	STOCKINGS / SOCKS	0.50 X 1.60
11	F	GROCERY	4.87 X 2.20
12	F	WINE / ALCOHOL	2.24 X 2.20
13	F	NEWS PAPER	0.65 X 2.20
14	F	MEDICINES	0.60 X 1.50
15	F	BATTERIES	0.60 X 1.50
16	F	ALCOHOL / SPRINTS	0.90 X 1.50
17	F	CIGARETTES	0.90 X 1.50
18	F	ALCOHOL / SPRINTS	1.05 X 1.50
19	F	CONFECTIONERY	2.50 X 1.20
20	F	COUNTER / CASHIER	2.50 X 1.20
21	F	CHILLED BEER/ALCOHOL	1.22 X 2.00
22	M	CONFECTIONERY	1.94 X 1.80
23	M	CONFECTIONERY	1.20 X 1.80
24	M	WINE/ALCOHOL	1.20 X 1.80
25	M	CRISPE	1.94 X 1.80
26	M	BEER/ALCOHOL	1.94 X 1.80
27	M	GROCERY/ SUGAR	3.26 X 1.80
28	M	BREAD / CAKE	3.26 X 1.80
29	M	FROZEN FOOD	3.00 X 1.00
30	M	FROZEN FOOD	3.00 X 1.00
31	F	SINK AND WORK TOP	2.17 X 1.00
32	F	STORAGE - GROCERY	4.75 X 2.2
33	F	STORAGE - ALCOHOL	4.75 X 2.2

NOTATION	ITEM	SIZE
D	ENTRANCE	DOUBLE DOOR
D1	STORAGE	CONTAINER DOOR
D2	SLIDING	DOOR TO STORAGE
D3	SLIDING	DOOR TO KITCHEN
D4	FIXED	DOOR TO FLAT
L	CAMERA	/ CCTV

CLIENT:- PREMIER HOLMBUSH
CONVENIENCE STORES

PROPERTY:- 4 HOLMBUSH
MIDHURST, WESTSUSSEX
GU29 9BS

DRAWING:- SHELVING LAY-OUT

DRAWING No :- PL1 SCALE:- 1:100

*Licensed area for retail
sale of alcohol*

PLAN.

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ATTACHMENT E

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