



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 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

Nick Retail Ltd t/a Selsey Convenience Store
The Rock Shop
143 High Street,

Post town: Selsey, Chichester

Post code (if known): PO20 0QB

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

Mr Sanjaykumar Natvarbhai PATEL

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

3815/18/02381/LAPRED

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): 0330 222 7661

E-mail (optional): peter.aston@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 23rd August 2022, during a controlled Trading Standards Test Purchasing exercise, a staff member at Selsey Convenience Store, formally known as the Rock Shop, 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 Condition:

'The premises must operate a 'Challenge 25' policy whereby any person attempting to buy alcohol who appears to be under 25 must be asked of photographic ID to prove their age.'

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

On the 17th October 2021, the Responsible Authority received an incident report from a local, resident alleging that the business had supplied their 15 year daughter with a bottle of vodka and they further advised that when her daughter was asked for ID, she showed them her older sister's provisional driving licence. The incident resulted in paramedics having to tend to their daughter at a firework event in Selsey.

On the 20th October 2021, a Senior Trading Standards Officer from the Responsible Authority visited the store after receiving a complaint from Chichester District Environmental Health Department advising us that there were food items on sale, which did not have any English Labelling. The Senior Trading Standards Officer asked Mr PATEL to remove approximately 100 items from sale that had no English Labelling. In the UK, food labelling must be in English and it is an offence for retailers or wholesalers to supply food without English labelling. As well as being an offence under Food Labelling Legislation; by not having allergen, storage or cooking instructions in English, this is also a potential safety issue.

On the 19th November 2021, a Trading Standards Officer from the Responsible Authority carried out an advice visit in relation to selling age restricted products to the business and spoke with the Licence Holder Mr Sanjaykumar PATEL. Several points were discussed

during the advice visit with Mr PATEL and they discussed at length what training was given to the staff and how often the training was provided.

On the 5th April 2022, the Responsible Authority received an email from the Sussex Police Licensing Team advising us that they have received intel that the premises are selling age restricted products (in this case a vape to a 16 year old boy). The Police further advised that the boy in question told his parents it is common knowledge that kids can easily obtain alcohol, etc from this shop.

On the 16th August 2022, as a result of receiving this information, a Trading Standards Officer from the Responsible Authority carried out a further advice visit to the business and spoke with the Licence Holder and DPS Mr Sanjaykumar PATEL. Mr PATEL was sent the same day an email confirming the advice that was discussed at this visit.

On the 23rd August 2022, as part of a underage sales operation the Responsible Authority were carrying out that day, a 16 year old volunteer working under the instruction and supervision of the Responsible Authority entered Selsey Convenience store at 143 High Street, Selsey, Chichester, West Sussex, PO20 0QB. The child volunteer selected two bottles of Kopparberg with Raspberry Cider and took them to the till. A male working behind the till area sold the two bottles of cider to the child volunteer, without asking them any questions whatsoever.

After securing the bottles of cider as evidence, Trading Standards Officers immediately returned to the shop to inform the seller about the test purchase and take the relevant information to instigate an investigation. Under caution, the seller advised that he remembered selling the alcohol to the child volunteer but thought the volunteer looked 20 plus years old. The seller advised that he had been working for the company for approximately three months and that he had been trained on the sale of Age Restricted Products. The seller also confirmed there was a 'Think 25' Policy in place in the store and that he had been trained on this.

Further questions were subsequently put by the Responsible Authority to a representative of the Company. Mr PATEL, as the Company Secretary, responded to the questions and has advised that the sale was due to human error. Mr PATEL has advised that the sales assistant had lots of things to try and deal with at that time and was trying to sort out a delivery and serving customers. Mr PATEL has advised that the Sales Assistant had received training prior to the incident and has received further training since. However, documentation for the training which has been provided, is dated the 11th September 2022, and is therefore after the incident took place.

Mr PATEL is also the Company Director and DPS for Justin Retail Ltd trading as Premier Chichester Road, 220-222 Chichester Road, Bersted, PO21 5BE. On the 23rd November 2022, as part of the Underage Sales Operation the Responsible Authority were carrying out that day, one of our underage volunteers was able to purchase two cans of pre mixed Pink Gin & Tonic. This incident is currently also under investigation by the Responsible Authority.

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's 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' and that the licensee has failed in their responsibilities to promote said licensing objective.

In considering a review of this premises licence the committee are also reminded of a second licensing objective 'prevention of crime and disorder' which has been failed by commission of the criminal offence that took place on 23rd August 2022.

In view of the above, the Responsible Authority do not believe the licensing objectives are being continually upheld at these premises 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.

As underage prevention advice had been provided just before the sale of alcohol was made to a Trading Standards volunteer and as there have been further breaches at another store with the same DPS, the Responsible Authority suggests an appropriate outcome of the review would be a Revocation of said alcohol 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

✓
✓

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 

Date12th December 2022

CapacityTeam 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.