



Minutes of the meeting of the **Alcohol and Entertainment Licensing Sub-Committee** held in Committee Room 1, East Pallant House on Thursday 26 January 2023 at 9.30 am

**Members Present:** Mr A Moss, Mr H Potter and Mrs S Taylor

**Members not present:**

**In attendance by invitation:**

**Officers present all items:** Mr D Knowles-Ley (Licensing Manager), Mr N Bennett (Divisional Manager for Democratic Services) and Miss K Davis (Democratic Services Officer)

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

**Resolved:**

1. That Mrs Taylor be elected Chairman of the Sub-Committee.

83 **Declarations of Interests**

There were no declarations of interest.

84 **Review of a Premises Licence - Selsey Convenience Store (formerly known as 'The Rock Shop', 143 High Street, Selsey**

**Applicant**

Mr P Aston, Team Manager, on behalf of West Sussex County Council Trading Standards Service

**Premises Licence Holder**

Mr S N Patel, Premises Licence Holder, and the Designated Premises Supervisor  
Mr R Deighton, Licensing Consultant, and former Barrister

**Responsible Authority**

PC M Lucas, Sussex Police  
Mr D Bateup, West Sussex Licensing Inspector, Sussex Police

The Chairman formerly opened the meeting.

Mr Knowles-Ley confirmed that there were no items arising from Regulation 6 (Notice of hearing) of the Licensing Act 2003 (Hearings) Regulations 2005 and no representations made had been withdrawn. All responses to the notice of hearing were received within the required timescales.

Mr Knowles Ley stated that this licensing authority was to consider and determine the application for the review of premises license submitted by West Sussex County Council Trading Standards Service, in respect of the premises license currently held by Mr Patel Concerning the Selsey Convenience store. Following the grant of a premises licence any person or responsible authority may request a review following concerns regarding one or more of the four licencing objectives. The application concerned the licensing objectives relating to the prevention of crime and disorder, and the protection of children from harm, and concern that that the conduct of the store had undermined these two licensing objectives. The applicant had suggested that an appropriate outcome of the review would be the revocation of the alcohol licence. The holder of the current Premises Licence is Mr Sanjakumar Natvarbhai Patel of Hornet News, 112 The Hornet, Chichester, West Sussex, PO19 7JR. Mr Patel is also the current Designated Premises Supervisor ('DPS') at the premises. A 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 Patel has held both positions since 28th November 2018. All parties have been issued with a supplementary agenda containing a witness statement from Mr Patel.

Following receipt of the application the consultation period for representations began for 28 consecutive days concluding on 9 January 2023. Representations were received from West Sussex County Council, Public Health Directorate and Sussex Police. All relevant parties were issued with the notice of hearing and emailed a copy of the agenda.

Taking into consideration the Council's Statement of Licensing Policy, the current Home Office Guidance and all evidence before them, the Sub-Committee must take such steps they feel necessary.

The options available to the Sub-Committee when considering the application were:

- 1) To modify the conditions of the Premises Licence, which included the addition of new conditions or any alteration or removal of an existing condition.
- 2) The exclusion of a licensable activity.
- 3) The removal of the Designated Premises Supervisor.
- 4) The suspension of the Premises Licence for a period of not more than three months.
- 5) The revoking of the premises licence.
- 6) The issue of a written letter of warning or take no action.

There were no questions for Mr Knowles-Ley.

The applicant for the review, Mr P Aston, Team Manager, on behalf of West Sussex County Council Trading Standards Service addressed the Sub-Committee. The application was submitted in accordance with Section 51 of the Licensing Act 2003. He invited the Sub-Committee to review and revoke the premises licence and to remove Mr Patel as the Designated Premises Licence holder, who was also the Secretary of the business. His concerns were in respect of the undermining of the licensing objectives relating to the prevention of crime and disorder and the prevention of children from harm. Mr Aston explained that his role was to draw attention to the Sub-Committee of the breach of these licensing objectives.

He explained that during October 2021 West Sussex County Council had issued a press release advising of a controlled Trading Standards test-purchasing operation. Trading Standards had received information that businesses were selling age restricted products to underage children. These sales continued, which resulted in Trading Standards taking a zero-tolerance view prompting them to seek a review of a premises licence with the aim of suspending or revoking the licence. He explained the process that led to a review, the visits that had taken place and appropriate enforcement action taken.

He outlined the sequence of events. On 17 October 2021 an incident report was received from a local resident whose 15-year-old daughter had used her older sisters provisional driving licence to obtain alcohol from the premises. The result was that paramedics tended to the girl at the Selsey firework event. Previously a vape was sold to a 12-year-old boy on 16 November 2020, which the boy's father reported. Trading Standards sent a letter of advice was sent but no test purchase was conducted due to the Covid 19 pandemic. Trading Standards and Environmental Health officers attended the premises on 20 October 2021 following a complaint concerning food items on sale without any English Labelling. A senior Trading Standards officer requested that Mr Patel remove 100 items from sale. On the 19 November 2021 Trading Standards carried out an advice visit where several issues were discussed with Mr Patel, including the training of staff. On this visit Mr Patel had also been advised that test purchase may be carried out. An email was received from Sussex Police on 5 April 2020, advising that the premises had sold a vape to a 16-year-old boy. The boy had told his parents that it was easy for underage children to purchase alcohol from the premises.

Following this incident Trading Standards carried out a further visit on 16 August 2022 and an email outlining the advice given was sent to Mr Patel on 19 August 2022. On 23 August 2022 the responsible authority Carried out a test purchase using a 16-year-old volunteer. The Volunteer was served Cider with no questions asked. Trading standards were informed and went back to the Selsey Convenience store to speak to the seller. The seller informed Trading Standards that the test purchaser had looked more than 20 years old. The shop worker at the premises had worked there for three months and had been trained on the think 21 policy.

During the questioning of Mr Patel by trading standards they were advised that it was user error as he had lots of things going on at the same time on the premises. Mr Patel advised that the seller had been receiving training since the 11 September 2022. The Subcommittee was also informed that Mr Patel was the DPS at the

premises Chichester Rd Bognor Regis. This premises was subject to a further complaint concerning alcoholic beverages sold to those who were underage. Trading standards used a 17-year-old test purchaser who purchased two cans of gin and tonic. The seller at the time had earphones in and was Mrs Patel. Mr Patel no further contact. These events that had happened demonstrated the failure to promote the licencing objectives relating to the protection of children from harm.

Mr Aston referred to further breaches at other premises and asked the Sub-Committee to consider revoking the premises licence.

Mr Aston also referred to the Home Office guidance which explains where authorised persons or responsible authorities have concerns about problems identified at a premises it is good practice for them to give licence holders early warning of their concerns and the need for improvement. Failure of a premises holder to respond to concerns can lead to revocation. Test purchasing took place at a number of different premises, and it was only Mr Patel's premises that failed the test purchase. Mr Patel will say it was a mistake and an error and will blame the individual employee however trading standards suggests that this was happening on a regular basis. In view of the intelligence recorded and the subsequent sale of alcohol at both premises this undermined the Chichester District Council licensing objectives. Therefore, the subcommittee should consider revocation to send a strong message to other licencing premises.

The chairman asked the Sub-Committee if they had any questions.

Responding to the subcommittee's, questions Mr Aston confirmed that at this stage one test purchase had been recorded as being sold to an underage person at this premises and one test purchase being sold to an underage purchase at the Bognor Regis store, both were alcohol. A member commented that it was only the Selsey premises that the sub-committee should take their significant evidence from.

Mr Bennett explained that the element that the Sub-Committee should give the most weight was to the premises under the subcommittee 's responsibility The Sub-committee should apply less weight but still applies some weight. Some of the evidences were allegations of things; so less weight should be applied to these issues as opposed to any matters that have been through court system.

Mr Aston was not sure where Mr Patel was based as he operated at least three premises. Mr Knows-ley confirmed that at the Mr Patel was the DPS at numerous stores premises. West Sussex was looking at the broader picture and concluded that test purchases had been conducted at numerous stores where Mr Patel was the DPS at different stores. Trading Standards were concerned that more than one premises where Mr Patel was the DPS had failed a test purchase, hence the reason for their application for a review.

Representatives from the responsible authority were invited to address the subcommittee. Mr Bateup, West Sussex Licensing addressed the Sub-Committee. Mr Bateup referred to page 35 of the agenda and provided information about his role and experience. Mr Bateup informed the Sub-Committee that it was unusual application as Mr Patel owns a number of shops. It was important to clearly

distinguish the separate premises so that there was no misunderstanding and an in case of an appeal regarding the outcome of this Sub-Committee hearing notice.

Mr Bateup stated that in October 2021 following an incident where the parent complained that alcohol had been sold to their child after she obtained her older sister's ID provisional licence driving. Mr Bateup stated that it was difficult to say how convincing this fake ID but it was not the first time that siblings had exchanged IDs.

On the 23rd of August 2023 alcohol was sold to a child with no questions being asked. Mr Patel says the seller had a lot to do during that time such as deliveries and dealing with customers. This was not an acceptable excuse for staff that had been working for a long time. It was also stated there were two members of staff working behind the till at the time of the sale.

The chairman asked if there were any questions from the Sub-Committee.

PC Lucas was asked to explain in more detail the police activity surrounding the premises. PC Lucas confirmed that he visited the store on two occasions, the first time was on the 5th of April 2022 and visited following reports of the underage sale of a vape. Mr Patel was not present at this time. PC Lucas highlighted some procedural errors such as no entries in the incident log since the 9 November 2021. He was not aware of any other visits by Sussex Police.

Mr Bateup clarified that the incidences at the Bognor Regis premises should not be ignored. Mr Bateup stated that during the final determination the Sub-committee should distinguish between the Bognor Regis and Chichester premises.

Mr Deighton, Licensing Consultant addressed the committee on behalf of his client Mr Patel. Mr Deighton clarified that only the premises under consideration today should be given the most weight. Mr Deighton stated that Mr Patel owns four shops and has never been prosecuted for any incidents.

This subcommittee asked questions of Mr Deighton.

Member commented that Mr Deighton was diminishing the issues at hand. In response to a question concerning how about how often the DPS was at the Selsey premises, Mr Patel advised the Sub-Committee that the as DPS he was there two to four times a week for two to four hours each time. Mr Patel confirmed that there was a manual in place for training.

With regards to proof and the record of a record of training and proof that it had been signed off and completed by Mr Deighton.

Mr Bennett referred to these additional papers produced before the hearing started. Mr Bennet advised the Sub-Committee that these late papers could be produced for the Sub-Committee at the hearing if the other parties present agreed for them to be submitted. to Mr Bennet advised the Sub-Committee that for transparency, limited discussions had taken place before the start of the hearing, concerning these

additional papers. All parties president confirmed that they had no objection to the distribution of these additional documents.

The Sub-Committee adjourned so that the index of documents produced by Mr Patel and Mr Deighton.

Responding to questions from the Sub-Committee; Mr Patel confirmed that checks were carried out to ensure that staff followed procedures. Mr Patel stated that refresher training was repeated quarterly. Mr Patel's view on why a member of his staff failed to question an underage customer was it was a mistake and he and simply human error. Mr Patel confirmed that his employee had been concerned about his actions and agreed and appreciated what he had done was wrong and that it wouldn't happen again. Responding to the comment made by member that alcohol seriously damaged young people and if a stronger spirit had been purchased the outcome could have been more serious. Mr Patel advised that he would work hard to ensure that such an incident was not repeated again. Mr Patel confirmed that the employee still worked on the premises and that he had been received further training.

Mr Knowles-Ley made his closing statement.

The licencing authority carried out its functions with the view of to promoting premises meeting the four licencing objectives. In reaching a determination this Sub-Committee must have regard to the Home Office guidance, the Chichester District Council guidelines and all written evidence associated with this review application. Mr Knowles-Ley also referred to paragraph 13.1 and 13.5 within the council's guidance.

All parties gave summarising statements

Mr Aston reiterated that Trading Standards do not have the confidence that Mr Patel will uphold the four licencing objectives. In Mr Aston's view there has been a lack of training for staff. Numerous letters and warnings being sent he had real concerns however it was for the licencing subcommittee to consider the evidence that had been heard today.

The Chair informed the hearing that the Sub-committee would retire for its deliberations with Mr Bennett's role being a legal advisory one.

The Sub-Committee reconvened, and the Chair confirmed that no additional legal advice had been given.

**Resolved:**

The Sub-Committee determination was as follows:

1. That Mr Patel be removed as Designated Premises Supervisor
2. That the premises license be suspended for a period of three months to enable the new Designated Premises supervisor to ensure that business

processes and new conditions are sufficient to promote the licensing objectives.

The meeting ended at 12.00 pm

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CHAIRMAN

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Date: