



## LICENSING AUTHORITY

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

### Application for the review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form, please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Peter Aston, Trading Standards, Team Manager, West Sussex County Council Trading Standards Service apply for the review of a Premises Licence under Section 51/apply for the review of a Club Premises Certificate under Section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

#### Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description

Yowu Limited t/a London Road Food and Wine  
65 London Road

Post town: East Grinstead

Post code (if known): RH19 1EQ

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

Mr Ibrahim Kahraman

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

PWA0487

#### 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

Telephone number (if any)

**This application to review relates to the following licensing objective(s)**

**Please tick one or more boxes ✓**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

☒

☒

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

West Sussex County Council Trading Standards Service (the 'Responsible Authority') contends the following licensing objectives have been undermined by the carrying on of licensable activities at these premises:

- the prevention of crime and disorder and
- the protection of children from harm

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

**Prevention of crime and disorder**

On the 27<sup>th</sup> June 2023, during a controlled Trading Standards Test purchasing exercise, a shop employee at Yowu Limited t/a London Road Food and Wine, 65 London Road, East Grinstead, West Sussex, RH19 1EQ, sold alcohol to a Trading Standards volunteer who was under the age of 18.

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

**Protection of children from harm**

Despite the store displaying Challenge 25 signage around the premises and claiming to operate such policy, the seller did not follow the guidance of such policy, contrary to the Licence Mandatory condition and Part 2 -Conditions consistent with the operating schedule

“The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol”

“The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under 25 (or the age set by the policy) will be asked for photographic ID to prove their age.”

**2023**

The Responsible Authority received several complaints, alleging Yowu Limited t/a London Road Food and Wine, 65 London Road, East Grinstead, West Sussex, RH19 1EQ of selling e-cigarettes to individuals aged under 18.

On the 2nd of June 2023, a Trading Standards Officer from the Responsible Authority conducted an advice visit in relation to selling age restricted products. The Trading Standards Officer spoke to one of the directors of the business, Mr Ibrahim KAHRAMAN on the phone about the underage sales advice visit. The advice visit continued with one of the shop employees. Several points around age restricted products and training were discussed during the advice visit.

On the 5<sup>th</sup> of June 2023, a follow up advice letter, which reiterated what was discussed from the advice visit, was sent to Mr KAHRAMAN'S email address.

On the 27<sup>th</sup> of June 2023 as part of an underage sales operation the Responsible Authority were carrying out that day. A 16-year-old volunteer under the instruction and supervision of the Responsible Authority entered Yowu Limited t/a London Road Food and Wine, 65 London Road, East Grinstead, West Sussex, RH19 1EQ. The child volunteer selected one WKD Blue bottle of alcohol and took it to the till. A female working behind the till area sold the WKD Blue bottle of alcohol to the child volunteer, without asking them for any identification.

After securing the Blue WKD bottle of alcohol as evidence, Trading Standards Officers immediately returned the shop to explain to the seller about the test purchase and take all the necessary and relevant information to instigate an investigation. The director Mr KAHRAMAN was present when Trading Standards Officers entered the shop and listened while Trading Standards officers were talking to the seller, Ms Bushra Mohammed JANKEER.

The alcohol bottle of Blue WKD was shown to the seller. Under caution, Ms JANKEER explained what an age restricted product was. The seller explained that

she did not know the drink she sold to the volunteer was alcohol. The seller stated that she did not remember the volunteer and was unable to say what age they thought the volunteer was. When the seller was asked about 'Think 25' Policy she said she was aware. When asked about till prompts, the seller went to the till and scanned the WKD Blue evidence bag, which showed there were no till prompts. The seller was asked about any refusal logs, which the seller could not locate. Another employee found the refusal near the counter. When the seller was asked about any training, she confirmed she has had training and signed something, however there were no records of this when checked.

Trading Standards Officers questioned Mr KAHRAMAN, as to why there was no records for the sellers training. Mr KAHRAMAN explained that the seller usually stacks shelves and that is the reason why there is no training record for her.

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

It is contended the sale of alcohol to an underage person in the circumstances outlined is a breach of the licensing objective 'the protection of children from harm'. The licensee has failed in their responsibilities to promote this licensing objective. In considering a review of this premises licence, the committee are reminded that the second licensing objective 'Prevention of Crime and Disorder' has also been failed by commission of the criminal offence that took place on the 27<sup>th</sup> June 2023.

In view of the above, the Responsible Authority do not believe the licensing objectives are being continually upheld at Yowu Limited t/a London Road Food and Wine, 65 London Road, East Grinstead, West Sussex, RH19 1EQ, 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 age advice had been provided before the sale of alcohol was made to a Trading Standards volunteer. The Responsible Authority suggests an appropriate outcome of the review would be a three-month suspension and further conditions added to the licence.

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



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			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**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 

Date 21<sup>st</sup> September 2023

Capacity Trading Standards Team Manager

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**

**Post code**

**Telephone number (if any)**

**If you would prefer us to correspond with you by e-mail your e-mail address (optional)**

**Notes for Guidance**

1. A Responsible Authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example Solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.