

LICENSING ACT 2003 SUB COMMITTEE

Tuesday, 5th June, 2018
10.00 am





LICENSING ACT 2003 SUB COMMITTEE

Tuesday, 5th June, 2018 at 10.00 am

AGENDA

1) *Appointment of Chair*

To consider the appointment of Chair for the meeting

2) *Apologies for Absence*

To receive any apologies for absence

3) *Minutes of the last Meeting*

5 - 6

To approve as a correct record the Minutes of the last Licensing Act 2003 Sub Committee meeting held on 15th March 2018

4) *Additional Items of Business*

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency

5) *Declaration of Interest*

In accordance with the Regulations, Members are required to declare any personal or personal and prejudicial interests they may have and the nature of those interests in respect of items on this agenda and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.

6) *Exclusion of the Public*

To determine during which items, if any, the public are to be excluded from the meeting

7) *Determination of a Premises Licence Application-Sycamore Convenience Store on Anglesey Avenue, Burnley.*

7 - 60

To determine a Premises Licence application under the Licensing Act 2003 relating to Sycamore Convenience Store, 5 Anglesey Avenue, Burnley, BB12 6AY.

MEMBERSHIP OF COMMITTEE

Councillor Ida Carmichael
Councillor Anne Kelly-4th Member

Councillor Ann Royle
Councillor Christine White

PUBLISHED

Friday, 25th May 2018

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BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE

BURNLEY TOWN HALL

Thursday, 15th March, 2018

PRESENT

MEMBERS

Councillors B Brindle, I Carmichael and A Royle

OFFICERS

Emma Barker	– Principal Legal Officer - Litigation & Regulation
Peter Henderson	– Principal Licensing Officer
Imelda Grady	Democracy Officer

ALSO IN ATTENDANCE

13 Appointment of Chair

Councillor Ann Royle was appointed Chair for this meeting.

14 Minutes of the last Meetings

The Minutes of the meeting held on 20th December 2017 were agreed as a correct record and signed by the Chair.

15 Exclusion of the Public

That the determination of a review of the premises licence at Lifestyle Express, Anglesey Avenue, Burnley under Section 52 of the Licensing Act 2003 be held in public.

16 Determination of a Review of a Premises Licence -Lifesyle Express, Anglesey Avenue, Burnley.

The Licensing Officer informed the Committee that as the licence for Lifestyle Express had been surrendered, and the 28 day period to withdraw the surrender had passed, there was no case to answer.

RESOLVED

That it be noted that the licence for Lifestyle Express had been surrendered.

REPORT TO LICENSING SUB-COMMITTEE



DATE	5th June 2018
PORTFOLIO	Governance, Law & Regulation
REPORT AUTHOR	John Yardley
TEL NO	0114 3999067
EMAIL	jyardley@burnley.gov.uk

Licensing Act 2003 Determination of an application for a premises licence

PURPOSE

1. To consider an application received from Anthony Jack Edwards for the grant of a premises licence under the Licensing Act 2003.
The application is attached at Appendix 'A'

2. The premises are Sycamore Convenience Store, 5 Anglesey Avenue, Burnley, BB12 6AY

The proposed designated premises supervisor (DPS) is Benjamin James, 22 Kiddrow Lane, Burnley, BB12 6LH.

RECOMMENDATION

3. Members are recommended to make a determination with a view to promoting the licensing objectives.
 - The prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm

The committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

 - Grant the application as asked.
 - Modify the conditions of the licence, by altering, omitting or adding to them.
 - Reject the whole or part of the application

REASONS FOR RECOMMENDATION

4. Members of the Licensing Committee are responsible for determining such applications.

SUMMARY OF KEY POINTS

5.

The application is for a premises licence under Section 17 of the Licensing Act 2003

The licensable activities applied for are:

The sale of alcohol for consumption off the premises.

The proposed hours that the premises would be open for the sale of alcohol are:

07.00hrs to 22.00hrs Monday to Friday and 09.00hrs to 21.00hrs on Saturday to Sunday

A representation have been received from Lancashire Trading Standards Service, the representation relates to a past history of the premises failing to meeting the Prevention of Crime & Disorder and Protection of Children from Harm licensing objectives. Concerns have also been expressed in relation to the previous owners still being involved with the applicant.

In March 2018 the Licensing Sub Committee considered a review application submitted by Trading Standards in relation these premises, the previous owners chose to surrender the premises licence prior to the hearing, hence the new application for a premises licence by Mr Edwards.

Full details of the representation and a copy of the review application are attached at Appendix 'B' of this report

The applicant has responded to the representation from Trading Standards.

Details of Mr Edwards response is attached at Appendix 'C' of this report.

No representations have been received from interested parties or other responsible authorities.

Members are reminded that representations are only relevant if they relate to one or more of the 4 licensing objectives which are:

- PREVENTION OF CRIME & DISORDER
- PUBLIC SAFETY
- PREVENTION OF PUBLIC NUISANCE
- PROTECTION OF CHILDREN FROM HARM

A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. The representation received from Standards is deemed relevant owing to the premises having a history of failing to meet the Prevention of Crime and Disorder and Protection of Children from Harm licensing objectives.

If this Committee approves the application the licence would be granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

The applicants have, in their operating schedule, detailed what steps they intend to take to promote the four licensing objectives. Compliance with this schedule becomes a condition of any licence granted. Those steps are:

- a) All staff will be trained to understand their responsibilities with regards to the sale of alcohol by retail. Records of all staff training will be maintained and updated accordingly every 12 months.
- b) A 6 camera CCTV system is in place covering all licensed areas. There will be a monitor positioned where it can be viewed by customers. The system will remain in use when the premises are being used for licensable activities and during all times customers remain on the premises. All recordings will be stored for a minimum of 31 days and will be available to be accessed on site if required. Any images will be made available to any authorised officers or responsible authorities upon request. The premises licence holder will ensure that the system is maintained at regular intervals to ensure the system is always working correctly. A record will be kept detailing all refused sales of alcohol. These will be made available on request to the police or any authorised officers from any responsible authorities, at all times the premises are open.
- c) The premises will be maintained in a safe manner at all times. All exits will be cleared of hazards. All staff will be trained in emergency procedures and records maintained.
- d) All refuse will be disposed of in an appropriate manner. Staff will be instructed to maintain all external areas in a clean and presentable manner at all times.

Notices of a hearing have been sent to the applicant and to each of the persons from whom the licensing authority has accepted a representation.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

6. None

POLICY IMPLICATIONS

7. The following paragraphs from Burnley Borough Council's Statement of Licensing Policy 2016 – 2021 are relevant to this application:

3.1 We will promote the 4 licensing objectives, namely

- the prevention of **crime and disorder**
- **public safety**
- the prevention of **public nuisance**; and
- the **protection of children** from harm, and all our decisions will reflect these objectives.

3.2 We consider each licensing objective to be of equal importance. They will be considered in relation to matters centered on the premises or within the control of the licensee. We will objectively consider the direct effect that the carrying on of the licensable activities has in the vicinity of the premises. Licensing law is not a mechanism for the general control of anti-social behavior by individuals once they are beyond the direct control of the licensee or vicinity of licensed premises.

3.7 Under the Crime and Disorder Act 1998, the authority must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder. Where its discretion is engaged, the authority will seek to promote the licensing objective of preventing crime and disorder in a manner which supports the Lancashire County Council Community Safety Action Plan and any local community safety priorities or emerging threats identified Burnley Community Safety Delivery Group (MATAC)

3.8 If relevant representations are made in relation to a premises licence or club premises certificate, the council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave.

9.1 The authority may only impose conditions where relevant representations are made following an application to grant or vary a licence or where a review request is being considered.

9.2 The council recognises that the only conditions that should be imposed on a licence are those which are appropriate and proportionate to the promotion of the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and no additional conditions are required.

Members are reminded of the consideration they should give to the Human Rights Act 1998 in particular those rights afforded by Article 6 (right to a fair hearing), Article 1 of the First Protocol (protection of property) and Article 8 (right to respect for private and family life).

DETAILS OF CONSULTATION

8. The statutory consultation has taken place

BACKGROUND PAPERS

9. Burnley Borough Council Statement of Licensing Policy.
Licensing Act 2003.

FURTHER INFORMATION

PLEASE CONTACT:

John Yardley ext 249067

ALSO:

Peter Henderson ext 249061

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**Application for a premises licence to be granted
under the Licensing Act 2003**

RECEIVED
16 APR 2018

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 that 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/We ANTHONY JACK EDWARDS

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
SYCAMORE CONVENIENCE STORE 5 ANGELSEY AVENUE			
Post town	BURNLEY	Postcode	BB12 6AY

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 6,000.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname EDWARDS			First names ANTHONY JACK		
Date of birth 09/10/1957		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality BRITISH					
Current residential address if different from premises address		291 KINGS CAUSEWAY			
Post town	BURNLEY Brierfield	Postcode	BB9 0EZ		
Daytime contact telephone number			07428141277		
E-mail address (optional)		tonytm@tiscali.co.uk			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	5	052018

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

LOCAL CONVENIENCE STORE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 4)	
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	07.00	22.00						
Tue	07.00	22.00						
Wed	07.00	22.00						
Thur	07.00	22.00				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	07.00	22.00						
Sat	09.00	21.00						
Sun	09.00	21.00						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name		BENJAMAN JAMES
Date of birth		
Address		22 KIDROW LANE BURNLEY LANCASHIRE
Postcode	BB12 6LH	
Personal licence number (if known)		PA0713
Issuing licensing authority (if known)		BURNLEY BOROUGH COUNCIL

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	07.00	22.00	
Tue	07.00	22.00	
Wed	07.00	22.00	
Thur	07.00	22.00	
Fri	07.00	22.00	
Sat	09.00	21.00	
Sun	09.00	21.00	
Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)			

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The premises licence holder and DPS have carried out a risk assessments with regard to the licensing objectives. Steps that are to be taken will be listed below.
All staff will be trained to understand their responsibilities with regards to the sale of alcohol by retail.
Records of all staff training will be maintained and updated accordingly every 12 months.

b) The prevention of crime and disorder

A 6 Camera CCTV system is in place covering all licensed areas.
There will be a monitor positioned where it can be viewed by customers.
The system will remain in use when the premises are being used for licensable activities and during all times customers remain on the premises. All recordings will be stored for a minimum of 31 days and will be able to be accessed on site if required. Any images will be made available to any authorised officers or responsible authorities upon request.
The premises licence holder will ensure that the system is maintained at regular intervals to ensure the system is always working correctly.
A record will be kept detailing all refused sales of alcohol. These will be made available on request to the police or any authorised officers from any responsible authorities, at all times the premises are open.

c) Public safety

The premises will be maintained in a safe manner at all times.
All exits will be cleared of hazards.
All staff will be trained in emergency procedures and records maintained.

d) The prevention of public nuisance

All refuse will be disposed of in an appropriate manner. Staff will be instructed to maintain all external areas in a clean and presentable manner at all times.

e) The protection of children from harm

A Challenge 25 age verification policy will be implemented on the premises. The only acceptable forms of identification will be recognised photographic identification cards such as passports, driving licences or Forces ID cards. Also acceptable are cards that carry the PASS logo. Staff will be trained to understand the above policies. Training records will be maintained and these will be made available to authorised officers if requested by the police or any other responsible authorised officer.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	David Horner
Date	13/04/2018
Capacity	AUTHORISED AGENT

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Dave Horner DH Licensing. 51, Michaelson Avenue.			
Post town	Morecambe	Postcode	LA4 6SD
Telephone number (if any)	07931595336 Agent.		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) davidhorner809@btinternet.com			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:

Consent of individual to being specified as premises supervisor

I BENJAMAN JAMES

[full name of prospective premises supervisor]

of 22 KIDROW LANE
BURNLEY
LANCASHIRE
BB12 6LH

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE APPLICATION

[type of application]

by

ANTHONY JACK EDWARDS

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

**SYCAMORE CONVENIENCE
STORE
5 ANGLESEY AVENUE
BURNLEY
BB1 6AY**

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

ANTHONY JACK EDWARDS

[name of applicant]

concerning the supply of alcohol at

**SYCAMORE CONVENIENCE
STORE
5 ANGLESEY AVENUE
BURNLEY
BB1 6AY**

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

PA 0713

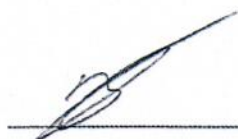
[insert personal licence number, if any]

Personal licence issuing authority

BURNLEY BOROUGH COUNCIL

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



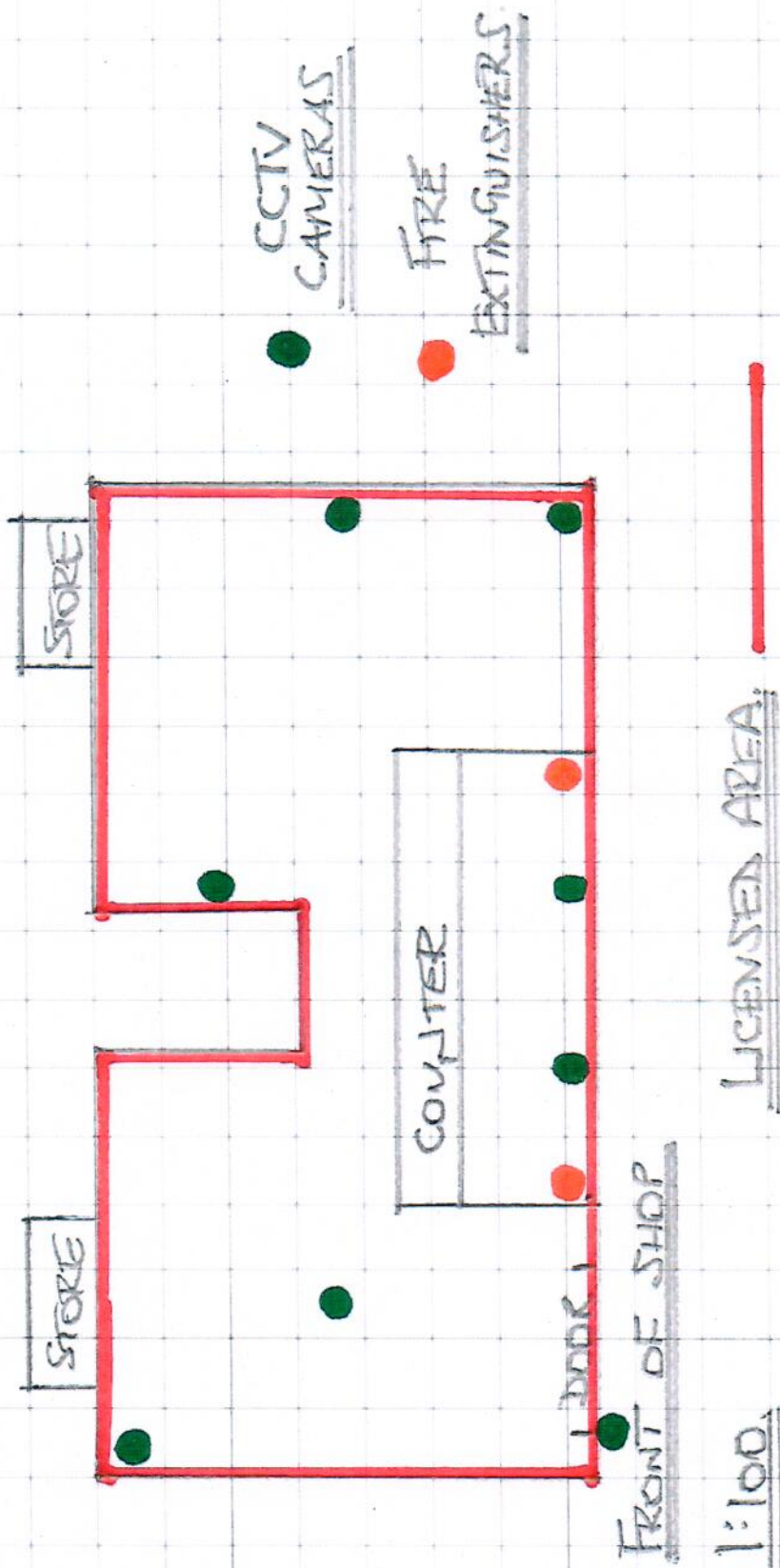
Name (please print)

BENJAMAN JAMES

Date

03/04/2018.

LICENSING PLAN, SYCAMORE CONV STORES, ANGLESEY AVENUE, BB12 6AY.



John Yardley

From: licensing
Sent: 17 April 2018 12:33
To: John Yardley
Subject: FW: New Premise Licence Application - Sycamore Stores
Attachments: Licensing Review Application Anglesey Avenue.pdf; Wilson-Edwards 04042018_visit.pdf

From: Wilson, Rick [<mailto:Rick.Wilson@lancashire.gov.uk>]
Sent: 17 April 2018 11:24
To: licensing
Cc: Haslam, Tony; Maxim, Amanda; Manning, Lauren; Robinson, Dawn (ENV)
Subject: New Premise Licence Application - Sycamore Stores

On behalf of Lancashire Trading Standards Service I would like to make representations in respect to the premise licence application made by Anthony Jack Edwards at Sycamore Stores, Anglesey Avenue, Burnley.

The premise has a history of failing to meet the Prevention of Crime and Disorder and Protection of Children from Harm licensing objectives. This resulted in a recent application by Lancashire Trading Standards Service to review the premise licence. The previous owners chose not to contest that application and surrendered the premise licence in advance of the scheduled review (see attached review application).

I visited the new applicant, Anthony Jack Edwards, at the premise on 4th April 2018 with a colleague, Lauren Manning, a Trading Standards Principal Officer. It is my opinion that the previous owners still have significant day to day control of the business and that Mr Edwards is not able to suitably evidence that he is the new owner of this business. I have attached a full statement which details my concerns.

I am willing to attend a hearing on behalf of Lancashire Trading Standards Service.

Rick Wilson

Principal Officer
Lancashire Trading Standards Service
Lancashire County Council

T: 01772 532228
M: 07789 618101
W: www.lancashire.gov.uk

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licensing

Governance, Law, Property and Regulation

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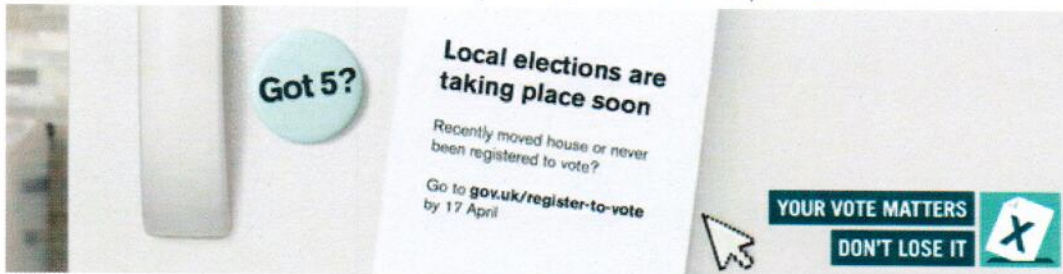
Burnley.gov.uk



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BRITAIN
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Burnley Borough Council, Town Hall, Manchester Road, Burnley, Lancashire. BB11 9SA

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Lancashire County Council

Statement of Witness

(Criminal Procedure Rules, r27.1(1);
Criminal Justice Act 1967, s9, Magistrates' Courts Act 1980, s5B)

STATEMENT OF: RICK WILSON

Age of witness: Over 18

Occupation of witness: PRINCIPAL OFFICER

This statement (consisting of four pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 5th day of April 2018 (Signed)



I am a Principal Officer at Lancashire County Council's Trading Standards Service Alcohol and Tobacco Team.

This is my account of when I participated in a visit at a convenience store in Burnley on 4th April 2018 to discuss a potential new Premise Licence application to Burnley Borough Council.

I shall now introduce the people that I shall mention in my statement which includes; myself Rick WILSON, a Principal Officer at Lancashire County Council's Trading Standards Service, Lauren MANNING, a Principal Officer at Lancashire County Council's Trading Standards Service and Tony EDWARDS, the new owner of the convenience store.

The location of the visit was in Burnley, Lancashire, at a convenience store called "PREMIER". The convenience store is located at 5 Anglesey Avenue, Burnley, Lancashire, BB12 6AY.

I asked Mr Edwards how he knew the previous owners. He replied that there was two co-owners of the business previous to his ownership. Maryam MURSALEEN was a friend of his wife and had been for 12 years. He did not know the previous co-owner Humera ZAFAR. He voluntarily stated that the previous owners were 'criminals' who had been 'dealing drugs out of the back storeroom'.

I asked Mr Edwards how much he paid for the business. He replied that it was £11,000 or £11,500. I asked if he could clarify the amount and he stated that it was £11,000 for the business and £500 for the stock.

(Signed)

LP/QR/32/02



Statement of Witness

(Criminal Procedure Rules, r27.1(1);
Criminal Justice Act 1967, s9, Magistrates' Courts Act 1980, s5B)

Continued statement of: Rick Wilson

Page No: 2

I asked if he had used the services of a solicitor or accountant to assist with the purchase of the business. He stated that he hadn't.

I asked how he paid for the business. He stated he paid £11,500 in cash to Maryam MURSALEEN.

I asked where the cash came from. He replied that it was taken from his home. I asked if the cash was originally withdrawn from the bank before being taken from home to hand over to the previous owners. He stated that it hadn't, he said that he keeps 'lots of cash' at his home address.

I asked if he had a contract that I could see which related to the sale of the business. He said he didn't have a contract, but said he had a piece of paper which stated that Maryam MURSALEEN had received £11,500 from him for the sale of the business. I clarified that he only had a simple receipt. He confirmed this and said it was at his home address.

I asked Mr Edwards what the turnover and profit was for the business in the previous year's trading. He stated that he didn't know. I asked if he had asked the question from the previous owners, he confirmed that he hadn't. I asked Mr Edwards how he had been able to evaluate whether the business was worth £11,000 plus stock without this crucial information. He stated that it was 'obvious from the area the shop was in' that it was worth that amount.

The store was extremely well stocked and I asked where the current stock had come from. He stated that it was from Bookers Cash and Carry and cost £7,000 to £8,000 in total. It had been stocked up via visits to Bookers Cash and Carry from February 2018 to date.

I asked if the stock was purchased from Bookers Cash and Carry from his own account. He stated that he did not have an account with Bookers so he had used Maryam MURSALEEN's account.

I asked if the stock had been purchased using a bank account that he owned. He stated that it was paid for in cash. I asked where the cash had come from and he said he had used cash from sales in the store and taken it from the till.

I asked if Mr Edwards had been present at the cash and carry during the visits to purchase stock. He confirmed that he had not. I asked who made every visit to the cash and carry. He replied that Maryam MURSALEEN had made the trips to the cash and carry and used cash to pay for the goods which he had provided to her.

Signature:

LP/QR/32/02



Statement of Witness

(Criminal Procedure Rules, r27.1(1);
Criminal Justice Act 1967, s9, Magistrates' Courts Act 1980, s5B)

Continued statement of: Rick Wilson

Page No: 3

I asked how he could trust somebody he had already described as a criminal who dealt drugs from the back storeroom with such large quantities of cash. He replied that he thought Maryam was trustworthy and it was Humera ZAFAR who was the drug dealer.

I asked how many hours each week Maryam MURSALEEN was working at the store. He replied that she was in full time education and it was just the odd hour here and there. I asked how she was paid. He stated that she wasn't, he just gave her some petrol money every now and again in cash.

I asked why, if Maryam MURSALEEN was only working an odd hour here and there, her personal mobile telephone number was being used on the signage outside the store, relating to 'Under New Management' notices and a new grocery delivery service. He stated that he had been out of the country for four weeks so she had been helping out.

I asked if Maryam MURSALEEN was still the owner of the business and that he had been asked to simply act as the new owner. He stated that he was the new owner of the business.

I asked how he knew David Horner, who is a licensing consultant who is acting as his agent for the new Premises Licence application. He stated that he had found him during an internet search. I asked him how much he had paid to use the services of Mr Horner. He stated that he had sent Mr Horner £325 via a bank transfer to make the new licence application.

Mr Horner's business website states that the fee for a new licence application is actually £645, payable in full on commencement of the service - <http://dhlicensing.co.uk/premises-licence-application-service/>

I asked who was going to be the Designated Premises Supervisor at the premises. He stated that it was a person called Benji who already had a personal licence. I asked him how many hours per week Benji would be working at the store. He stated Benji would be working 35 hours per week. I asked for Benji's surname and he stated that he didn't know it. I asked how he knew Benji and he replied that Benji was a biker, and he knew him from riding motorcycles.

I do not believe that Mr Edwards is the new owner of this business for the following reasons:

1. Mr Edwards cannot evidence the business transaction that allegedly took place as there is no audit trail for the financial transaction.

Signature:

LP/QR/32/02



Statement of Witness

(Criminal Procedure Rules, r27.1(1);
Criminal Justice Act 1967, s9, Magistrates' Courts Act 1980, s5B)

Continued statement of: Rick Wilson

Page No: 4

2. There is no formal legally binding documentation to evidence that the transaction and sale of the business took place.
3. Mr Edwards did not know basic information such as annual turnover, profit or losses which would have indicated whether £11,000 was a likely value of the business.
4. The previous owner, Maryam MURSALEEN, is using their own personal mobile telephone number on notices outside the store which clearly denote that the store is 'under new management'.
5. The previous owner, Maryam MURSALEEN, still has considerable involvement in the day to day running of the business such as the coordination of the new grocery delivery service.
6. The previous owner, Maryam MURSALEEN, still has responsibility for stocking the store, using their account at the cash and carry, and making every single trip there since the store allegedly transferred ownership.



Signature:



Date and place of birth of witness: 22nd March 1967 / Bolton.

Address of Witness: Lancashire County Council Trading Standards Service
Room D21, County Hall, Pitt Street, Preston

Post Code: PR1 0LD

Tel: 07789 618101

Email: rick.wilson@lancashire.gov.uk

Please circle dates when witness **will not** be available:

Month:

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Statement taken by: Self

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**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 that 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 Rick Wilson,

(Insert name of applicant)

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, if none, ordnance survey map reference or description Lifestyle Express (Anglesey Off Licence) 5 Anglesey Avenue	
Post town Burnley	Post code (if known) BB12 6AY

Name of premises licence holder or club holding club premises certificate (if known) Humera Zafar

Number of premises licence or club premises certificate (if known) 0124

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below).
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 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)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail 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	
Rick Wilson Lancashire County Council Trading Standards Service 4 th Floor, Lancashire Point County Hall Pitt Street Preston Lancashire PR1 0LD	
Telephone number (if any)	01772 532228
E-mail address (optional)	rick.wilson@lancashire.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 checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The application for review is submitted by Lancashire County Council Trading Standards Service on the grounds that the licensing objectives relating to the prevention of crime and disorder and the protection of children from harm is not being observed at Lifestyle Express (Anglesey Off Licence), 5 Anglesey Avenue, Burnley BB12 6AY

Trading Standards say that a lengthy history of illegal activity at the premises represents a flagrant and systematic disregard for the relevant licensing objectives.

The trade in illicit tobacco products has been discovered on more than one occasion. A recent history of underage sales of both alcohol and tobacco have been recorded whilst the sale of alcohol to a 14 year old child ended in near fatal circumstances.

Therefore, the Licensing Committee is encouraged to consider revocation of the relevant premises licence for Lifestyle Express (Anglesey Off Licence).

Please provide as much information as possible to support the application
(please read guidance note 2)

PREVENTION OF CRIME AND DISORDER / PROTECTION OF CHILDREN FROM HARM

- 24/10/16 – A Police Penalty Notice for Disorder was issued to Humera Zafar (date of birth 29/07/1990) for selling alcohol to an individual aged under 18.
 - Humera Zafar is the current premise licence holder and designated premise supervisor at Lifestyle Express (Anglesey Off Licence).
- 02/11/16 – Trading Standards seized 2 x 50g pouches of illicit tobacco from Razaqat Ali at Lifestyle Express (Anglesey Off Licence).
 - Razaqat Ali is the husband of Humera Zafar.
- 04/11/2016 - A warning letter was sent from Trading Standards to Mr Ansar who was the premise licence holder and designated premises supervisor at the time of the seizure. The letter contained a form for the owner of illicit tobacco to sign over the tobacco.
- 22/11/16 - The signing over form was received at Trading Standards. Humera Zafar had signed this form confirming that she was the owner of the illicit tobacco.
- 27/02/17 – Lancashire Trading Standards Service receive intelligence from Police that illicit tobacco was being supplied from the store.
- 29/03/17 – Lancashire Trading Standards Service made a test purchase of illicit tobacco from the store and were supplied with illicit President cigarettes after asking for hand rolling tobacco. The lady who sold the cigarettes told Trading Standards they would have some hand rolling tobacco if we returned that same evening.
- 13/04/17 – Lancashire Trading Standards Service made a seizure of illicit tobacco products from a vehicle parked outside the store. This consisted of 11 pouches of illicit Amber Leaf tobacco and 7 packs of 20 Richmond cigarettes, all of which were counterfeit.
 - The vehicle was a VW Passat which was owned by Razaqat Ali, the husband of Humera Zafar.
- 03/05/17 – Lancashire Trading Standards Service made a visit to assess if the store had systems in place to prevent underage sales of alcohol taking place. Advice was provided as the store had no age verification policy, refusals register, recorded staff training and the till prompt system to advise the seller to check identification was unreliable. The CCTV system could not be operated by the Designated Premises Supervisor, Humera Zafar.
- 19/10/17 – Lancashire Trading Standards Service received a complaint that underage sales of tobacco were taking place from the store from a member of the public.
- 14/11/17 – Lancashire Trading Standards Service conducted a test purchasing operation at the store and an underage sale of 20 Superkings cigarettes was made

to a 15 year old volunteer. The sale was made by Maryam Mursaleen (date of birth 14/06/1988) who was working alone at the store.

- 01/12/17 – Humera Zafar was fined £250 with a victim surcharge of £30 and costs of £1,085.41 after pleading guilty at Burnley Magistrates Court to supplying tobacco products that do not display compliant health warnings, which is an offence contrary to the Tobacco and Related Products Regulations 2016; and the supply of counterfeit tobacco products which is an offence contrary to the Trade Marks Act 1994.

The specific offences are listed below: -

1. On 13 April 2017 at Sycamore Stores, 5 Anglesey Avenue, Burnley, in the County of Lancashire, you did you did supply by way of possession for sale, tobacco products for smoking, namely eleven packets of AMBER LEAF hand rolling tobacco and seven packets of RICHMOND cigarettes, each of which did not comply with the labelling requirements set out in Part 2 of the Tobacco and Related Products Regulations 2016, contrary to regulation 48(a)(i) of the said Regulations, made under section 2(2) of the European Communities Act 1972.

2. On 13 April 2017 at Sycamore Stores, 5 Anglesey Avenue, Burnley, in the County of Lancashire, with a view to gain for yourself or another, or with intent to cause loss to another, and without the consent of the proprietor, you did have in your possession, custody or control with a view to selling, offering or exposing for sale, or distributing in the course of a business goods, namely eleven packets of hand rolling tobacco, each of which bore a sign identical to, or likely to be mistaken for, the AMBER LEAF registered trade mark, contrary to section 92(1)(c) of the Trade Marks Act 1994.

3. On 13 April 2017 at Sycamore Stores, 5 Anglesey Avenue, Burnley, in the County of Lancashire, with a view to gain for yourself or another, or with intent to cause loss to another, and without the consent of the proprietor, you did have in your possession, custody or control with a view to selling, offering or exposing for sale, or distributing in the course of a business goods, namely seven packets of cigarettes, each of which bore a sign identical to, or likely to be mistaken for, the RICHMOND registered trade mark, contrary to section 92(1)(c) of the Trade Marks Act 1994.

4. On 13 April 2017 at Sycamore Stores, 5 Anglesey Avenue, Burnley, in the county of Lancashire, in the course of a business, you displayed or caused to be displayed, tobacco products in the form of blunts, contrary to section 7A(1) of the Tobacco Advertising and Promotion Act 2002.

- 17/01/2018 – Lancashire Trading Standards Service are currently preparing a prosecution report in respect of the sale of tobacco products to a person under the age of 18 years which took place during the test purchasing operation conducted on 14/11/2017

Relevant Information - Protection of Children from Harm

- Under Section 146 of the Licensing Act 2003 a person commits an offence if he sells alcohol to an individual aged under 18

- Under Section 7 of The Children and Young Persons Act 1933 it is a criminal offence to sell tobacco products to any person under the age of 18 years. The offence can be committed by both the seller (i.e. the shop assistant) and the business owner and can lead to prosecution through the Magistrates Court leading to a fine of up to £2500.

Relevant Information - Protection of Crime and Disorder

- Supplying (including possessing for supply) tobacco products that do not display compliant health warnings is an offence, contrary to the Tobacco and Related Products Regulations 2016;
- Supplying (including possessing for supply) tobacco products bearing trademarks without the consent of the proprietor of the mark is an offence contrary to the Trade Marks Act 1994.
- The sale of smuggled tobacco products is an offence contrary to the Tobacco Products Duty Act 1979.

Paragraphs 11.27 & 11.28 of 'The Revised Guidance issued under Section 182 of The Licensing Act 2003' (Home Office April 2017) states that:

'There is certain criminal activity that may arise in connection with licensed premises that should be treated particularly seriously. These are the use of the licensed premises

...for the sale or storage of smuggled alcohol and tobacco.

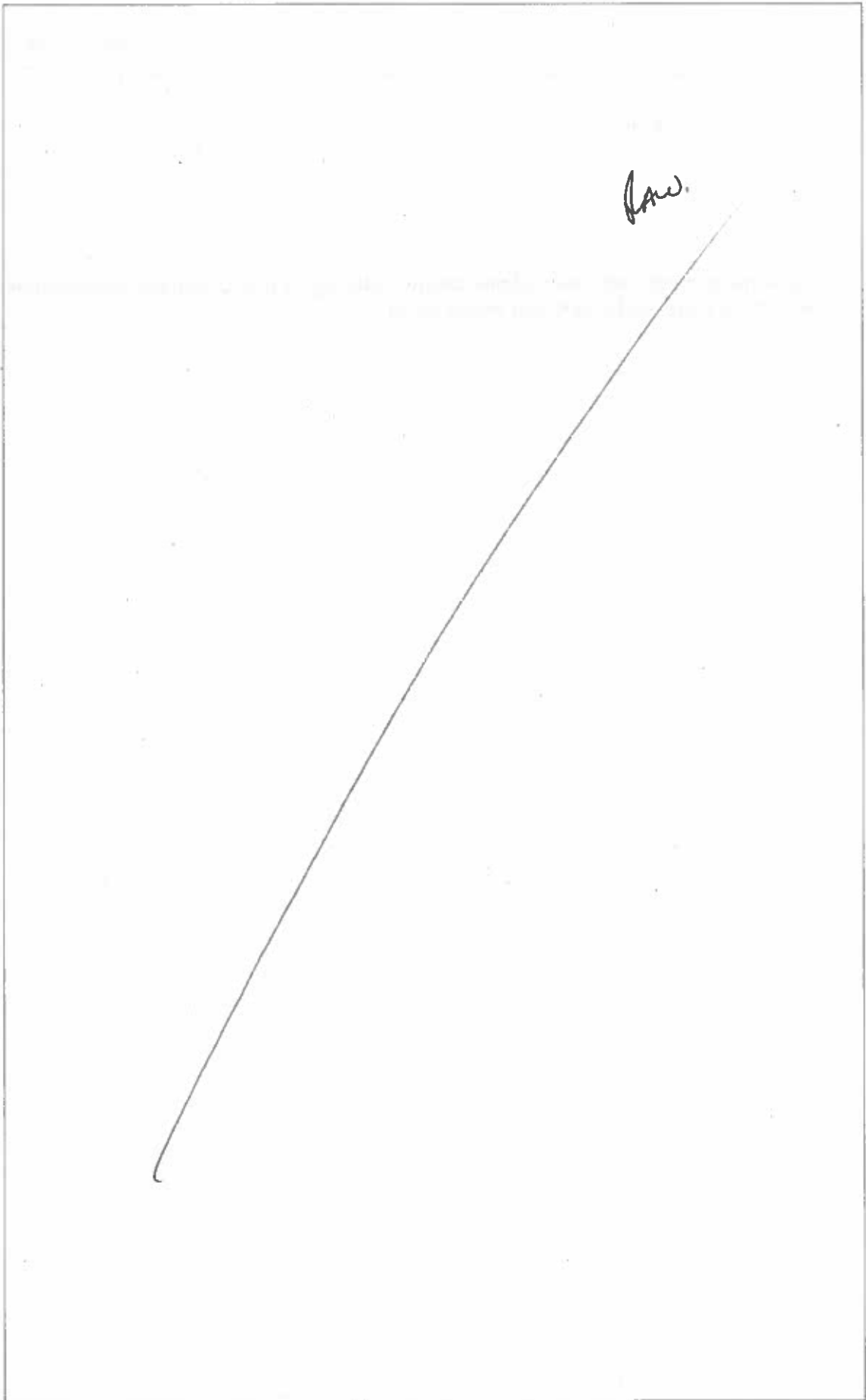
It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines 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.

The following options are available to the committee:-

- 1) Do nothing – However the number and seriousness of the offences causes grave concern for no action.
- 2) Modify the conditions of the licence
- 3) Remove the Designated Premises Supervisor
- 4) Suspend the licence for a period not exceeding three months
- 5) Revoke the premises licence so that no alcohol can be sold at all.

In the opinion of Lancashire County Council Trading Standards Service, the information presented in the application is clear evidence that the Prevention of Crime and Disorder and Protection of Children from Harm Licensing Objectives have been flagrantly and systematically disregarded.

Lancashire County Council Trading Standards respectfully requests that the committee considers whether revocation of the premises licence would be an appropriate finding in the circumstances.



Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

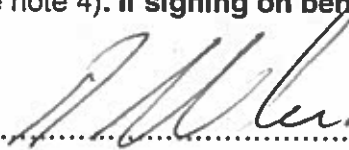
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date: 17th January 2018

Capacity: Principal Officer, Lancashire Trading Standards Service

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Lancashire County Council Trading Standards Service
4th Floor, Lancashire Point
County Hall
Pitt Street

Post town

Preston

Postcode

PR1 0LD

Telephone number (if any)

01772 532228

If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional)

rick.wilson@lancashire.gov.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

This page is intentionally left blank

John Yardley

From: tonytm@tiscali.co.uk
Sent: 08 May 2018 14:23
To: John Yardley
Subject: license application
Attachments: mr yardley 3.tif; mr yardley 2.tif; mr yardley 1.tif; mr yardley 8.tif; mr yardley 7.tif; mr yardley 5.tif; mr yardley 4.tif

I am sending this to help clarify the concerns by Rick Wilson, both myself and my wife have been Avon Sales leaders for over 7 years and as such we have canvassed most areas of Burnley including Sycamore area rosegrove etc, while doing this you talk with the locals from that area and while in that area we were told that the shop had been very popular in the past, and we were also told about that the owners were about to be convicted for selling alcohol to underage children then after mentioning this to Myrm she said that she was part owner and if we were interested in it she would arrange a meeting, which she did and after looking at the shop we decided that we would buy the fixtures and fittings plus some greetings card stock for as we thought it had potential to be a good little shop with some work, and we would be able to cut back on our Avon business and work in the shop. they wanted to be paid in cash I.E. £2000.00 deposit and £4500.00 and this was for Humera Zafar and Razaqat Habib which I borrowed from Thomas Darwin while Myrm said she would help us out until we had enough to pay her which she did by showing my daughter Shawni how the day to day running of the shop, as me and my wife carried on with our Avon business which to operate this entails posting books through peoples doors then after a few days go back and collect the books with orders and after the orders are placed we the pack the goods and take them to the customer who pay on delivery but as we have over 250 regular customers we tend to carry on collecting until late evening and as there are no banks open we take home the cash therefore most of the time there is a lot of cash in our safe at the house. As Avon Sales leaders we can pick and choose when and where we work and as we both can do all aspects of the Avon job equally we can cover each other as we go, then this can not effect our obligations as Foster Carers there be a need.

After Rick Wilson had spoken with me I admit I was ill prepared for the questions being asked, I then spoke with Myrm who told us that she had received a warning from him for selling cigarettes to an underage person, when we asked her why she had not told us before she said she was embarrassed, we told her that as we are both Certified Foster Carers and my daughter Shawni who she has been showing how to run the shop Myrm was told that this was a serious breach of our trust, as she was aware of our hold on the values on child and young peoples safety she would no longer be welcome to visit our house or the shop even as a customer.

Regarding Benjamin James I have known him and met up with him at various bike events/shows etc for about 10 years and have never had any reason or need to know his surname until now, he has worked at Sycamore Farm for aprox 10 years as far as I know.

Because we rushed into this I know that I have made mistakes but as you will see I am trying to rectify them as quickly as possible.

this is a true statement that I willing to back up with as much paperwork I have I have attached some to this email, I can swear in a court of law that none of the previous owners have anything whatsoever to do with this business and never will have.

SALE OF BUSINESS LOCATED AT
3-5 ANGLESEY AVE BURNLEY

I RANAQAT HABIB DATED 5-12-18

CURRENT RESIDENTIAL ADDRESS 102 HUNFORD ROAD, BURNLEY

I AM THE CURRENT LEASEHOLDER AND ALONG WITH SALE OF BUSINESS LOCATED AT

3-5 ANGLESEY AVE BURNLEY I HEREBY RELINQUISH ANY AND ALL RIGHTS TO

3-5 ANGESEY AVE BURNLEY AND ANY BUSINESS DEALINGS RELATED TO THIS BUSINESS

I GIVE MY ASSURANCE THAT TRANSFER OF LEASE/ RENTAL AGREEMENT CAN AND WILL

BE TRANSFERED TO THE NEW OWNER SIGNED RANAQAT HABIB DATED 5-12-18

ALL ACCESS POINTS/DOORS ETC, SIGNED RANAQAT HABIB DATED 5-12-18

ON COMPLETION OF SALE ALL CCTV LINKS WILL BE DISCONTINUED

SIGNED RANAQAT HABIB DATED 5-12-18

I HAVE READ AND UNDERSTOOD ALL OF THE TERMS SET OUT ABOVE AND WILL ABIDE FULLY WITH ALL OF THE TERMS SET OUT.

SIGNED DATED 5-12-18

BUSINESS PREMISES AT 3-5 ANGLESEY AVE
CURRENTLY TRADING AS A SHOP BB12 6AY

THE AGREEMENT OF THE SALE OF FIXTURES, FITTINGS AND GOOD WILL, THE AGREEMENT IS TO BE MADE BY MARYAM MURSALEEN AND BUSINESS PARTNER HUMERA ZAFAR WHO HAVE AGREED TO A PURCHASE PRICE OF 11 THOUSAND POUNDS OFFERED BY TONY EDWARDS AND ACCEPTED ON 31/01/18 AT WHICH TIME A DEPOSIT OF 2 THOUSAND POUNDS WAS RECEIVED. (COPY OVERLEAF)

THIS WAS ON THE UNDERSTANDING THAT FOLLOWING A VISIT TO THE PREMISES ON SUNDAY 04/02/18 TO ESTABLISH THE VALUE OF THE SURPLUS STOCK AND THIS VALUE IS IN TOTAL AGREEMENT THEN THE AMMOUNT WILL BE ADDED TO THE OUTSTANDING 9 THOUSAND POUNDS AND WILL BE PAID ON THE ALLOCATED DATE AND AGREED TIME. ALL PAYMENTS BEFORE THE 31/01/18 TO BE THE RESPONSIBILTY OF YOURSELVES AND WILL NOT BE CARRIED OVER AFTER 31/01/18.

TOAL AMMOUNT TO BE PAID £.....,5000.....DATE.....5/2/18.....

BY SIGNING THIS AGREEMENT YOU HAVE READ AND UNDERSTOOD ALL OF THE ABOVE AND ARE IN FULL AGREEMENT.

MARYAM MURSALEEN.....*M. Mursaleen*.....DATE.....5/2/18.....

HUMERA ZAFAR.....*H. Zafar*.....DATE.....5/2/18.....

TONY EDWARDS.....*Tony Edwards*.....DATE.....5/2/18.....

WITNESS.....*P. Edwards*.....DATE.....5/2/18.....

31/01/18



I, Maryam Mursaleen &

Humera Zafar sell the

shop on 3-5 Anglessey Ave BS126ay

for £11,000. plus stock value,

for a deposit of £2000 paid

in cash upfront to Tony

Edwards.

Maryam Mursaleen -

Humera Zafar - H. Zafar

Tony Edwards -

holidayinnexpress.com or 0800 43 40 40



Payment confirmed

We received your payment request at 11:20 on 12/04/2018.

From

Classic (77-76-04, 32820968)

New balance: available funds

To

Dave Horners (50-42-37, 62562983)

Reference: Tony

Payment amount

£892.00

Payment date

ASAP This payment will usually reach the recipient's account within the next 2 hours

We've successfully processed your payment to Dave Horners for £892.00. The money will usually reach the recipient's account within 2 hours.

From: DAVID HORNER [davidhorner809@btinternet.com]
To: <tonytm@tiscali.co.uk>
Date: 11/04/2018 08:11
Subject: Stuff Dave Horner.

Hi Tony,

I am now in a position to apply for your licence, I'm just waiting on Jason Middleton to get back to me, I always like to speak with the police before applying to keep them in the loop. Once he gets back to me I will send you the licence to look through before applying.

Please find below fees that are outstanding, if you want to let me know when you send them across I will apply.

You will notice the cost of the advert is high, this is one thing we cannot control unfortunately, but I did manage to get a few quid off it by using a contact of mine.

I will forward you the email from Newsquest so you can see the full price.

Fees Outstanding.

D Horner.	£ 320.00
Premise Licence Fee Burnley Council.	£190.00
Newspaper Advert	£ 382.00

Total Outstanding £892.00

Speak soon Tony.

Regards,

Dave.

From: DAVID HORNER [davidhorner809@btinternet.com]
To: <tonytm@tiscali.co.uk>
Date: 24/03/2018 11:20
Subject: Premises Licence

Hi Tony,

Good to speak with you yesterday.

I have detailed everything below we discussed Tony.

The cost of getting an individual with a personal licence. This is the person we need to progress the Premises Licence. As you said we could use Tom to start the procedure while you get yours.

One Day course, £140.. plus VAT, so £168.00. I would instruct you how to book and venues if needed.

There is a cost involved to apply for your personal licence after the course, but I can help you with this free of charge as we discussed, this would be a saving of £90.00. The fees are £62.00 plus maybe £5.00 for two passport photos.

This whole procedure would be completed during the application for your premises licence.

Premise Licence Fees.

My Fees £645.00, paid in 2 installments, first one to start the procedure and the other at the time of applying.

Premises Licence Fee £190.00, this is based on a rateable value of £23.000, with an annual fee of £180.00, paid at the time of applying. Might be cheaper Tony, I can check.

Newspaper Advert for a public notice, approx £150--300, I can confirm exactly if you instruct, due at the time of applying.

We also need a plan, if needed I would come and produce a plan for a small expense. You may have one we can use, we can discuss.

With regards to the paper advertisement, I may be able to secure a reduction in this as we proceed, I am part of a small group of people who have access to a group discount, unfortunately this is governed by when we apply and what is available, so it is always better to quote the full price. We can discuss this as we proceed.

Tony, you would have my total commitment as my client and I would be available to you throughout this whole process.

Hope this puts you in the picture Tony, I'll let you consider this email, just get in touch at your leisure..

Regards,

Dave
DH Licensing.

31/1/2018

To Whom It May Concern:

I Thomas Darwin residing at 46 Venice Avenue Burnley gave a loan of £7.500 in cash to Tony Edwards on 31/01/2018 to be paid back on or before 1/7/2018.

Signed *Tony Edwards*

Signed *T. Darwin*