

# LICENSING ACT 2003 SUB COMMITTEE

Monday, 25th February, 2019  
10.00 am





# LICENSING ACT 2003 SUB COMMITTEE

**Monday, 25th February, 2019 at 10.00  
am**

**Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.**

## **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 29<sup>th</sup> January 2019.

### **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-Identify Items***

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

### **7) *Determination of a Premises Licence Application-European Foods***

7 - 12

To determine a Premises Licence application under the Licensing Act 2003 relating to European Foods, 260 Colne Road, Burnley, BB10 1DZ (redacted documents)

#### **a) *Appendix A-Application***

13 - 36

b)	<b><i>Appendix B- LCC Trading Standards</i></b>	37 - 40
c)	<b><i>Appendix C-Lancashire Constabulary</i></b>	41 - 42
d)	<b><i>Appendix D-LCC Public Health</i></b>	43 - 74
e)	<b><i>Appendix E- Additional LCC Trading Standards</i></b>	75 - 82
8)	<b><i>Conduct of Hearing</i></b>	83 - 90
9)	<b><i>Exclusion of the Public</i></b>	
	To consider the exclusion of the public from the meeting before discussion takes place on the following item of business on the grounds that in view of the nature of the business to be transacted if the public were present there would be a disclosure to them of exempt information within the meaning of Part VA of the Local Government Act 1972.	
10)	<b><i>Determination of a Premises Licence Application-European Foods</i></b>	91 - 96
	To determine a Premises Licence application under the Licensing Act 2003 relating to European Foods, 260 Colne Road, Burnley, BB10 1DZ (un-redacted documents)	
	Information which is likely to reveal the identity of an individual.	
a)	<b><i>Appendix A- Application</i></b>	97 - 118
	Information which is likely to reveal the identity of an individual.	
b)	<b><i>Appendix B-LCC Trading Standards</i></b>	119 - 122
	Information which is likely to reveal the identity of an individual.	
c)	<b><i>Appendix C-Lancashire Constabulary</i></b>	123 - 124
	Information which is likely to reveal the identity of an individual.	
d)	<b><i>Appendix D-LCC Public Health</i></b>	125 - 156
	Information which is likely to reveal the identity of an individual.	
e)	<b><i>Appendix E-Additional LCC Trading Standards</i></b>	157 - 164
	Information which is likely to reveal the identity of an individual.	

## **MEMBERSHIP OF COMMITTEE**

Councillor Ann Royle  
Councillor Frank Cant

Councillor Ivor Emo  
4<sup>th</sup> Member tbc

## **PUBLISHED**

Friday, 15<sup>th</sup> February 2019



## **BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE**

**BURNLEY TOWN HALL**

**Tuesday, 29th January, 2019**

### **PRESENT**

### **MEMBERS**

Councillors F Cant, A Royle and C White

### **OFFICERS**

Emma Barker	– Principal Legal Officer - Litigation & Regulation
John Yardley	– Licensing & Compliance Officer
John Clucas	– Licensing and Compliance Officer
Eric Dickinson	– Democracy Officer

### **20 Appointment of Chair**

Councillor Ann Royle was appointed as Chair for this meeting.

### **21 Minutes of the last Meeting**

The Minutes of the last meeting held on 4<sup>th</sup> December 2018 were agreed as a correct record and signed by the Chair.

### **22 Exclusion of the Public**

That the determination of a premises licence under the Licensing Act 2003 relating to European Foods, 260 Colne Road, Burnley BB10 1DZ be held in public due to the particular circumstances of this hearing, but that it may be held in private if circumstances changed.

### **23 Determination of a Premises Licence Application-European Foods**

John Yardley on behalf of the Licensing Authority informed the Committee that the applicant for a Premises Licence at European Foods, 260 Colne Road , Burnley had requested an adjournment in order to obtain legal advice regarding representations made about the application.

Emma Barker confirmed that the request related to representations made by the licensing authority.

## DECISION AND REASONS FOR DECISION

### Decision.

That the hearing for a Premises Licence for European Foods at 260 Colne Road, Burnley, BB10 1DZ be adjourned to 10a.m. , Monday 25<sup>th</sup> February 2019.

### Reason

To allow the decision making process to progress appropriately.

## REPORT TO LICENSING SUB-COMMITTEE



DATE	25 <sup>th</sup> February 2019
PORTFOLIO	Streetscene
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

- To consider an application received from Clau & Chris Limited for the grant of a premises licence under the Licensing Act 2003.  
**The application is attached at Appendix 'A'**
- The premises are European Foods, 260 Colne Road, Burnley, BB10 1DZ

The proposed designated premises supervisor (DPS) is [REDACTED]

### RECOMMENDATION

- 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

- 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:

00.00hrs to 2359hrs Monday to Sunday (24hrs)

In December 2017 the Licensing Sub Committee considered a review application submitted by Trading Standards in relation these premises, the application from Trading Standards followed a lengthy history of illegal activity surrounding trade in illicit products. The committee determined that the Premises Licence be revoked. Following an appeal the magistrate's court upheld the decision and dismissed the appeal on the 16<sup>th</sup> August 2018.

Representations have been received from Lancashire Trading Standards Service, the representation relates to recent visits to the premises in August 2018 resulting in further seizures of illicit tobacco. Further concerns have also been expressed in relation to the previous owners still being involved with the applicant. **(Details of the representation are appended in appendix 'B' )**

Representations have also been received from Lancashire Police these relate to joint visits with Trading Standards and Burnley Council in August 2018 where evidence of un authorized sales of alcohol was found at the premises and quantities of alcohol seized. **(Details of the representation are appended in appendix 'C' )**

Further representations have been received from Public Health Lancashire surrounding the negative impact the grant of this application would have on the Prevention of Crime and Disorder and Protection of Children from Harm licensing objectives. **(Details of the representation are appended in appendix 'D' )**

Further evidence has been received from Trading Standards in support of their initial representation. This relates to three test purchases carried out at the premises. One on the 9<sup>th</sup> January 2019 conducted by Burnley Council's licensing unit when alcohol was sold whilst the premises were unlicensed. This was followed by a second test purchase by Trading Standards on the 23<sup>rd</sup> January 2019 when illicit, incorrectly labelled tobacco was sold. A third test purchase was attempted on the 6<sup>th</sup> February 2019 again by Trading Standards, on this occasion no sale took place. **(Details are appended in appendix 'E' )**

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.

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:

- All staff will be trained before making sales of alcohol in their responsibilities under the Licensing Act 2003. Refresher training will take place at 6 monthly intervals. All training will be documented and made available to the authorities on reasonable request.
- A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 28 days. CCTV images will be provided to the police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images, subject to the provisions of the DPA
- An incident register will be maintained at the premises and made available to the authorities on request
- All staff at the store will be trained in how to manage any person who they suspect may create a public nuisance in the area of the store. Such people will be asked to leave the area quietly (if safe to do so) an entry will be made in the incident register.

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**

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**Application for a premises licence to be granted  
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/We** CLAU & CRIS LTD

*(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 <b>EUROPEAN FOODS</b> <b>260 COLNE ROAD</b>			
<b>Post town</b>	<b>BURNLEY</b>	<b>Postcode</b>	<b>BB10 1DZ</b>
Telephone number at premises (if any)			
Non-domestic rateable value of premises		<b>£4500</b>	

**Part 2 – Applicant details**

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

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | 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 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 over		I am 18 years old or		<input type="checkbox"/> Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**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)	
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Surname		First names	
Date of birth over		I am 18 years old or <input type="checkbox"/> Please tick yes	
Nationality			
Current residential 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 CLAU & CRIS LTD
Address 15 CARDINAL STREET BURNLEY BB10 1RU
Registered number (where applicable) 11662135
Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited Company
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD		MM		YYYY			
0	3	0	1	2	0	1	9

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)  
THE STORE IS ON A BUSY MADE ROAD AND WILL PROVIDE ALL THE USUAL PRODUCTS A GROCERS/CONVEIENCE STORE PROVIDES. IT ALREADY TRADES AS A FULL GROCER AND CONVENIENCE STORE. IT MAY ALSO SELL HOT PIES/SAUSAGE ROLLS ETC

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)  | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

**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

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)			
Mon						
Tue			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)			
Wed			<b>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</b> (please read guidance note 6)			
Thur						
Fri						
Sat						
Sun						

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			<b><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></b> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)			
Mon						
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)			
Wed			<b><u>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</u></b> (please read guidance note 6)			
Thur						
Fri						
Sat						
Sun						

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)			
Tue						
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)			
Thur						
Fri			<b><u>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</u></b> (please read guidance note 6)			
Sat						
Sun						

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Wed					
Thur					
			<b><u>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</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue				
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)	
Thur				
Fri			<b><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></b> (please read guidance note 6)	
Sat				
Sun				

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> 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	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)	
Wed				
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)	
Fri				
Sat			<b><u>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</u></b> (please read guidance note 6)	
Sun				

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	2300	0500			
Tue	2300	0500	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed	2300	0500			
Thur	2300	0500			
Fri	2300	0500	<b><u>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</u></b> (please read guidance note 6)		
Sat	2300	0500			
Sun	2300	0500			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (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	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	0000	2359			
Tue	0000	2359			
Wed	0000	2359			
Thur	0000	2359	<b>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</b> (please read guidance note 6)		
Fri	0000	2359			
Sat	0000	2359			
Sun	0000	2359			

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 PERSON A	
Date of birth	
Address BURNLEY	
Postcode	
Personal licence number (if known) TBA	
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

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	0000	2359	<b>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</b> (please read guidance note 6)
Tue	0000	2359	
Wed	0000	2359	
Thur	0000	2359	
Fri	0000	2359	
Sat	0000	2359	
Sun	0000	2359	

**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)**

Staff will be trained before making sales of alcohol in their responsibilities under the Licensing Act 2003. Refresher training will take place at 6 monthly intervals. All training will be documented and made available to the authorities on reasonable request.

**b) The prevention of crime and disorder**

A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 28 days. CCTV images will be provided to the police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images, subject of the provisions of the DPA.

A register of refusals of alcohol will be maintained at the premises. The register shall be examined on a regular basis by the duty manager/ DPS and the date and time of each examination will be endorsed in the register. The register will be made available for inspection by the Police and other authorised officers of the council upon reasonable request.

**c) Public safety**

An incident register will be maintained at the premises and made available to the authorities on request.

**d) The prevention of public nuisance**

All staff at the store will be trained in how to manage any person who they suspect may create a public nuisance in the area of the store. Such people will be asked to leave the area quietly (if safe to do so) an entry will be made in the incident register.

**e) The protection of children from harm**

The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25 they will be asked for proof of their age, to prove that they are 18 years or older.

Posters will be on display advising customers of the 'Challenge 25' policy.

The only forms of identification that will be accepted at the premises are a passport, UK photo-card driving licences, & cards bearing the 'PASS' hologram.

**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.

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[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).</li> <li>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)</li> </ul>
<b>Signature</b>	PAUL SHERRATT
<b>Date</b>	05/12/18
<b>Capacity</b>	AUTHORISED AGENT

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

<b>Signature</b>	
<b>Date</b>	
<b>Capacity</b>	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) LICENSING MATTERS 54 FAIRFIELD DRIVE			
Post town	CLITHEROE	Postcode	BB7 2PE
Telephone number (if any)	01282 500322		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) paul@licensingmatters.net			

Consent of individual to being specified as premises supervisor

I

---

of

BURNLEY

BB10 1RU

ET

Date of birth:

79

Place of birth:

Nationality:

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

PREMISES LICENCE GRANT

by

relating to a premises licence

TBA

for

EUROPEAN FOODS  
260 COLNE ROAD  
BURNLEY  
BB10 1DZ

Consent of individual to being specified as premises supervisor

I \_\_\_\_\_

of

ET

BURNLEY

BB10 1RU

Date of birth:

79

Place of birth:

Nationality:

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

PREMISES LICENCE GRANT

by

CLAU & CRIS LTD

relating to a premises licence

TBA

for

EUROPEAN FOODS  
260 COLNE ROAD  
BURNLEY  
BB10 1DZ

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

CLAU & CRIS LTD  
(name of applicant)

concerning the supply of alcohol at  
EUROPEAN FOODS  
260 COLNE ROAD  
BURNLEY  
BB10 1DZ

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

TBA

Personal licence issuing authority

BURNLEY BOROUGH COUNCIL

Signed

Name (please print)

Date

5/12/18

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

CLAU & CRIS LTD  
[name of applicant]

concerning the supply of alcohol at

EUROPEAN FOODS  
260 COLNE ROAD  
BURNLEY  
BB10 1DZ

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

TBA

Personal licence issuing authority

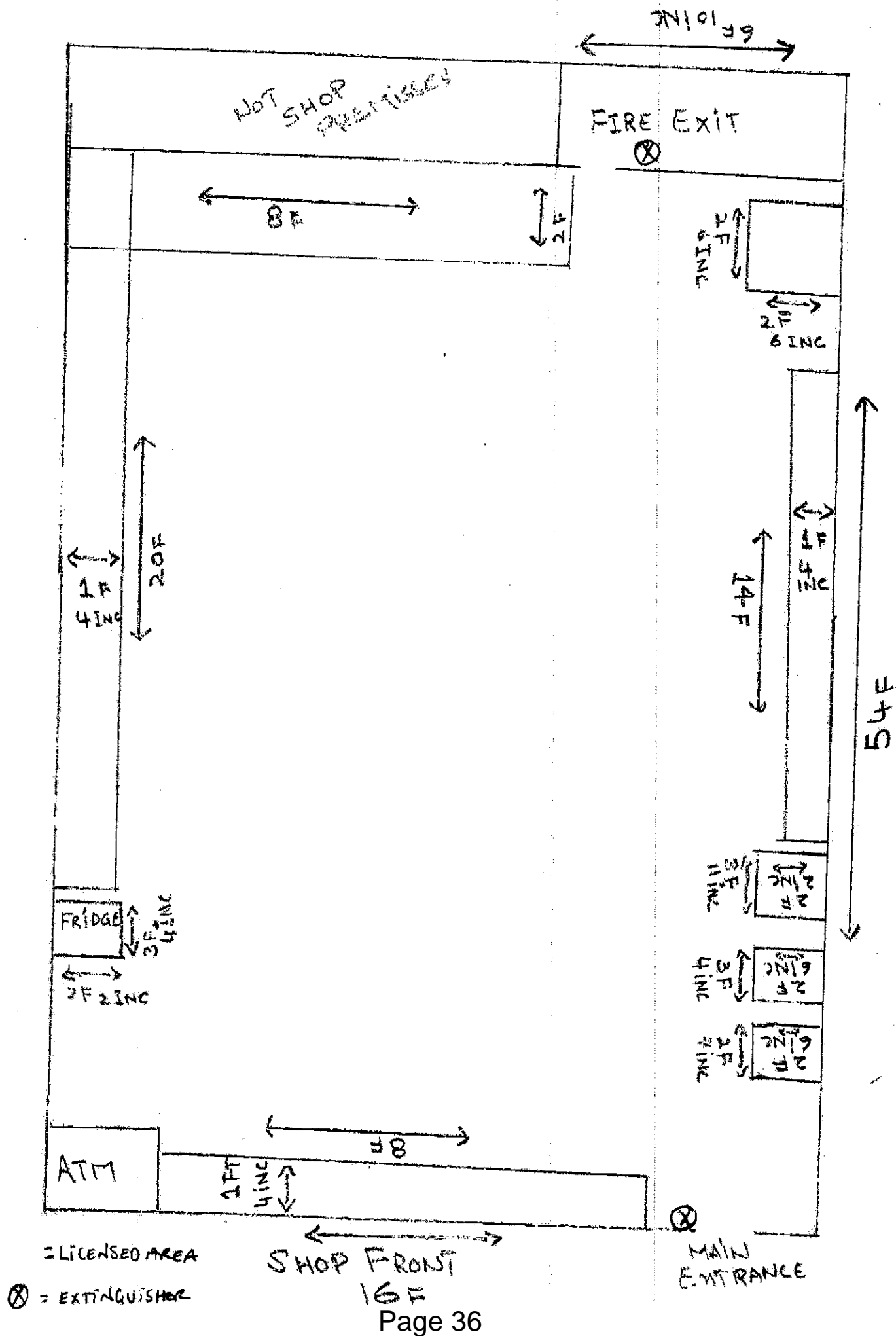
BURNLEY BOROUGH COUNCIL

Signed

Name (please print)

Date

5/12/18



## THE LICENSING ACT 2003 - REPRESENTATION FROM RESPONSIBLE AUTHORITY

### LANCASHIRE COUNTY COUNCIL TRADING STANDARDS SERVICE

I am Lauren Manning, Principal Officer, employed by Lancashire County Council Trading Standards Service in the Intelligence Management team.

I have delegated authority to exercise the County Council's powers and duties under relevant Trading Standards related Acts of Parliament and in this capacity to provide written and oral representations on behalf of the Lancashire County Council Head of Service for Trading Standards.

I make this statement using facts and matters within my own knowledge. Any facts and matters that are not within my own knowledge are true to the best of my knowledge and belief.

Lancashire County Council Trading Standards Service wishes to make representations objecting to the application for a premises licence and DPS at European Foods, 260 Colne Road, Burnley BB10 1DZ by Clau & Cris Ltd and for a proposal to make **PERSON A** the Designated Premises Supervisor.

It is the opinion of Lancashire Trading Standards that the prevention of crime and disorder licensing objective would be undermined if the licence was granted, due to a history of illegal activity at the premises.

This shop, albeit under different ownership has been of interest to Trading Standards for the last 8 years.

Lancashire Trading Standards successfully applied for the revocation of the premises licence for 260 Colne Road, Burnley in November 2017, and after a lengthy appeal process the decision to revoke the licence was upheld by Magistrates on 16<sup>th</sup> August 2018. The premises was visited by John Yardley of Burnley Borough Council on 16<sup>th</sup> August 2018 where a **PERSON B** (dob [REDACTED]) informed him that he was the new owner of the business. Mr Yardley advised **PERSON B** of the Court's decision and the fact that the premises no longer held a licence to sell alcohol. **PERSON B** immediately began clearing the shelves of alcohol.

Clau & Cris Ltd is a limited company with two directors, one of whom is **PERSON C**, born [REDACTED] of [REDACTED], Burnley. I understand that **PERSON C** is the partner of **PERSON B**.

On 24<sup>th</sup> August 2018 a test purchase was made from 260 Colne Road, Burnley of 1 pack of illicit Richmond cigarettes. The cigarettes did not possess the required warnings on the packets.

On 28<sup>th</sup> August 2018 Police and Trading Standards attended 260 Colne Road, Burnley. 20 packs of counterfeit Marlboro cigarettes were seized from the premises. 50 packs of counterfeit Richmond cigarettes and 4 packs of illicit Virginia Gold tobacco bearing incorrect warnings were seized from vehicle [REDACTED] (to which

PERSON B had the keys). The vehicle is registered to PERSON B

On the same day 1000 packs of counterfeit Richmond cigarettes were seized from PERSON B & PERSON C home address,

The case is currently awaiting processing with our Trading Standards legal team.

On 30<sup>th</sup> August 2018 an officer of Lancashire County Council Trading Standards Service attended the premises together with PC Hennighan of Lancashire Police. A large quantity of alcohol was still on display in the shop, despite the licence having been revoked 2 weeks earlier. The alcohol stock was seized by PC Hennighan.

Therefore it is our view that the evidence highlights that European Foods, 260 Colne Road, Burnley BB10 1DZ has not complied with the licensing objective of the prevention of crime and disorder.

Furthermore, the current landlord of the property is Crescere Investments Ltd – a company owned by PERSON D the son of the previous licence holder, PERSON E. Trading Standards have history with the previous licence holder and members of his family in relation to the supply of illicit tobacco. Trading Standards have concerns that the previous licence holder and his family may still be involved in the day to day running of the business at 260 Colne Road, Burnley BB10 1DZ.

Relevant information:

- 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) counterfeit tobacco products bearing trademarks without the consent of the proprietor of the mark is an offence contrary to the Trade Marks Act 1994.

I reserve the right to bring further evidence to any hearing, should any arise between now and then.

I believe the contents of this statement to be true.

Signed: ..... Date: 21/12/2018

Lauren Manning (Principal Officer – Intelligence Management)  
4<sup>th</sup> Floor Lancashire Point  
County Hall  
Pitt Street  
Preston  
PR1 0LD

Contact telephone number: 01772 533344  
Mobile Number: 07717 543740  
Email address: [lauren.manning@lancashire.gov.uk](mailto:lauren.manning@lancashire.gov.uk)

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19<sup>th</sup> December 2018

John Yardley  
Licensing Unit  
Burnley Borough Council

**Police Objection to the application for premises licence and DPS at European Foods, 260 Colne Road, Burnley**

Please accept this as the police representation to the application received to an application for a premises licence for European Foods, 260 Colne Road, Burnley by Clau & Cris LTD and for a proposal to make PERSON A – DOB XX/XX/XX - the Designated Premises Supervisor.

The police are formally objecting to the application as we have concerns that the crime prevention licensing objective will be undermined if the premises licence was granted.

The grounds for concern are:

There has been a long-standing history of illegal activity at the premises which can be evidenced by partner agencies.

Clau and Cris LTD is a limited company with two directors – one of whom is PERSON C – born XXXXXX – of XXXXXXXX, Burnley. PERSON C is the partner of PERSON B, also of XXXXXXXXXX, DOB XX/XX/XXXX.

On Thursday, 30<sup>th</sup> August 2018, I visited the shop at 260 Colne Road, with Trading Standards and Burnley Borough Council, due to a concern about unlicensed alcohol sales. PERSON B claimed to be the shop owner and was working behind the counter. The shop was called Drinks Express at this time.

A large amount of alcohol was on display for sale and subsequently seized from the store. I later carried out an interview under caution with PERSON B who gave a full and frank admission that he was selling the alcohol without a licence. PERSON B received a conditional caution – with the condition being that the alcohol was disposed by police.

This was in circumstances where the sale of alcohol by retail was an unauthorised licensable activity, contrary to Sec 137 of the Licensing Act 2003.

Therefore it is our view that the licensing objectives are undermined – namely prevention of crime and disorder and public safety. This has an impact on the nomination of DPS. Although he isn't known to police, any action that affects the granting of the Premises Licence would have an impact on proposed DPS.

I also have grave concerns over the application for a 24-hour alcohol licence in an area that has larger proportions of crime, especially violent crime, compared to Burnley and the Lancashire average. In addition, a higher proportion of alcohol-related anti-social behaviour is apparent in the locality.

Further, I reserve the right to bring further evidence to any hearing should any arise between now and then.

Regards

Sgt 3707 Gary Hennighan  
Licensing Sergeant – East Division

IN THE MATTER OF AN APPLICATION FOR A PREMISES LICENCE UNDER THE  
LICENSING ACT 2003  
APPLICANT: CLAU & CRIS LTD

LANCASHIRE COUNTY COUNCIL DIRECTOR OF PUBLIC HEALTH

IN ITS ROLE AS A RESPONSIBLE AUTHORITY

IN OBJECTION TO THE APPLICATION FOR A PREMISES LICENCE

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STATEMENT

OF

CLARE ELIZABETH PLATT

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1. I am Clare Elizabeth Platt, Chartered Environmental Health Practitioner, with over twenty three years professional experience. I am employed by Lancashire County Council as Head of Health Equity, Welfare and Partnerships. Responsibility for Public Health Licensing is within the remit of my team. I report directly to the Director of Public Health at Lancashire County Council.
2. On 5<sup>th</sup> December 2018 the service received via email a copy of the application for a premises licence for European Foods at the postal address of 260 Colne Road, Burnley, BB10 1DZ ("European Foods"), completed by Paul Sherratt on behalf of Clau and Cris Ltd hereinafter referred to as the "Premises Application" [CP/1].
3. I have delegated authority to provide written and oral representations in relation to the Premises Application on behalf of the Lancashire County Council Director of Public Health and Wellbeing [CP/2].
4. Lancashire County Council Director of Public Health and Wellbeing, as a Responsible Authority, objects to the Premises Application [CP/1] on the grounds that if it is granted it will likely have a negative impact on the prevention of crime and disorder and child protection in an area that is already disproportionately affected by the harms associated with alcohol including violent crime and alcohol related hospital admissions.

5. I make this witness statement to the extent that facts and matters set out are true within my own knowledge. Insofar as such facts and matters that are not within my own knowledge, they are true to the best of my knowledge and belief.

### **Licensing Objectives**

6. From a public health perspective, the licensing objectives that are relevant to this objection are:
- The prevention of crime and disorder
  - Protection of children from harm

### **Summary**

7. European Foods is located on a main road in a densely populated area of Queensgate ward, Burnley [CP/3]. Queensgate ward is within the 10 percent most deprived wards nationally. As such it is disproportionately affected by the harms associated with alcohol.
8. Queensgate ward is within the 20 percent of wards nationally that have the highest rates of hospital admissions for alcohol attributable conditions.
9. The area surrounding European Foods has recorded greater increases in All crime and Violent crime when compared to Burnley and the Lancashire average. For example, Violence against the person increased 108% between the years 2016/17 and 2017/18. 23% of Violence against the person was alcohol related in 2017/18.
10. Paragraph 3.7 of the 'Statement of Licensing Policy of Burnley Borough Council' states that *'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'*.
11. Paragraph 1.17 of the 'Statement of Licensing Policy Of Burnley Borough Council' states that *'We will therefore focus upon the direct impact of the activities taking place at or in the vicinity of licensed premises on members of the public living, working or engaged in normal activities in the vicinity of those places'*.
12. Due to the current levels of alcohol related crime and disorder within the vicinity of European Foods I believe it likely that if the "Premises Application" [CP/1] is granted it will have a negative impact on the prevention of crime and disorder and child protection.

## **Context**

13. To support this representation Andrew Ascroft, Lancashire County Council Senior Public Health Practitioner, requested analysis to be completed by a Lancashire Partnership Intelligence Analyst, focusing on crime and disorder within the vicinity of 260 Colne Road [CP/4].
14. The following information has been provided by the Lancashire Partnership Intelligence Analyst in response to this request and focusses on reported crime and disorder within a 400 meter buffer zone around 260 Colne Road [CP/5]. This enables a comparison of data both temporally and spatially to the surrounding area and in the wider context of Lancashire and allows us to better understand the impact of alcohol related crime on the community around European Foods.

## **All Crime**

15. Crime within the 400 meter buffer zone around European Foods is increasing at a higher rate than in other areas of Burnley and pan-Lancashire.
16. The most recent 12 month period November 2017 to October 2018 has recorded a 49% increase in all crime, up 272 offences from 2016/17 to 825 in 2017/18 within the buffer zone. The increase in crime exceeds the percentage increase across Burnley, the East and the Lancashire average during the same time period (+31%, +38.1% and +34% respectively).
17. The greatest increase has been in the crime grouping of Violence against the person, up 108% from 138 offences in 2016/17 to 287 offences in 2017/18. This is above the 69% increase in Burnley and the 67% increase pan-Lancashire.

## **Alcohol Related crime**

18. This is an application for the sale of alcohol for consumption off the premises in homes and other unsupervised environments 24 hours a day 7 days a week. However, alcohol related crime is having a significant impact on individuals in home environments and in public places within the 400 meter buffer zone around European Foods.
19. In relation to alcohol related Other crimes against society combined with Violence against the person within the 400 meter buffer zone around European Foods, 53% occurred within a dwelling, 38% occurred on the street/road and 9% occurred in licensed premises.
20. The age range for the aggrieved was between 15 and 64 years old. This suggests that individuals under the age of 18 years old have been affected by alcohol related crime

within the 400 meter buffer zone around European Foods, therefore impacting on child protection.

### **Conclusion**

21. I believe that the fact the premises are proposing to sell alcohol 24 hours a day 7 days a week in a residential area means it is likely that there will be harm caused to residents, through late night crime and disorder. I believe that alcohol related crime and disorder will be worsened if this application is granted. Similarly I believe that granting this application would likely have a detrimental effect on child protection. I therefore object to the Premises Application.

**Name:** Clare Elizabeth Platt

**Signature:**

**Dated:** 21.12.18

**Application for a premises licence to be granted  
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/W. CLAU & CRIS LTD**

*(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 at 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 <b>EUROPEAN FOODS 260 COLNE ROAD</b>	
Part town	<b>BURNLEY</b>
Postcode	<b>BB10 1DZ</b>
Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£4500</b>

**Part 2 - Applicant details**

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

- |   |   |
|---|---|
| a) an individual or individuals *                     | <input type="checkbox"/> please complete section (A)            |
| b) a person other than an individual *                |   |
| i) as a limited company/limited liability partnership | <input checked="" type="checkbox"/> please complete section (B) |
| ii) as a partnership (other than limited liability)   | <input type="checkbox"/> please complete section (B)            |
| iii) as an unincorporated association or              | <input type="checkbox"/> please complete section (B)            |
| iv) other (for example a statutory corporation)       | <input type="checkbox"/> please complete section (B)            |
| c) a recognised club                                  | <input type="checkbox"/> please complete section (B)            |
| d) a charity  | <input type="checkbox"/> 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)
- g) 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) as 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 (g) or (h) 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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First name:		
Date of birth over			I am 18 years old or <input type="checkbox"/> Please tick yes		
Nationality					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number:					
E-mail address (optional)					

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 over		I am 18 years old or <input type="checkbox"/> Please tick yes	
Nationality			
Current residential 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 CLAU & CRIS LTD
Address 15 CARDINAL STREET BURNLEY BB10 1RU
Registered number (where applicable) 11662135
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any)
E-mail address (optional)

Part J Operating Schedule

When do you want the premises licence to start?

DD MM YYYY  
0 8 0 1 2 0 1 9

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)  
THE STORE IS ON A BUSY MADE ROAD AND WILL PROVIDE ALL THE USUAL  
PRODUCTS A GROCERS/CONVENIENCE STORE PROVIDES IT ALREADY TRADES  
AS A FULL GROCER AND CONVENIENCE STORE IT MAY ALSO SELL HOT  
PIES/SAUSAGE ROLLS ETC

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)  | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshments (if ticking yes, fill in box J)



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)			<u>Will the performance of a play 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	<u>Please give further details here (please read guidance note 4)</u>  		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays (please read guidance note 5)</u>  		
Thur					
Fri			<u>Non standard timings. Where you intend to use the provision for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)</u>  		
Sat					
Sun					

B

<b>Films</b> Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place</u> <u>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	<u>Please give further details here (please read guidance note 4)</u>  		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the exhibition of films (please</u> <u>read guidance note 5)</u>  		
Thur					
Fri					
Sat					
			<u>Non standard timings. Where you intend to use the screenings</u> <u>for the exhibition of films at different times to those listed in the</u> <u>column on the left, please list (please read guidance note 6)</u>  		
Sun					

C

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

**D**

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

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place</u> <u>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	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises</u> <u>for the performance of live music at different times to those</u> <u>listed in the column on the left please list</u> (please read guidance note 6)			
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"/>
				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 playing of recorded music (please read guidance note 5)		
Wed			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)		
Thu					
Fri					
Sat					
Sun					

G

Performance of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance 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	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed			<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)		
Thur					
Fri					
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		
Dry	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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	2300	0500			
Tue	2300	0500			
Wed	2300	0500	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	2300	0500			
Fri	2300	0500	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	2300	0500			
Sun	2300	0500			

3

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	0000	2359			
Tue	0000	2359			
Wed	0000	2359			
Thur	0000	2359			
Fri	0000	2359			
			New standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the columns on the left, please list (please read guidance note 6)		
Sat	0000	2359			
Sun	0000	2359			

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		PERSON A	
Date of birth			
Address			
BURNLEY			
Postcode			
Personal licence number (if known)			
TBA			
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	0000	2359	<p><u>Non standard timings.</u> 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)</p>
Tue	0000	2359	
Wed	0000	2359	
Thur	0000	2359	
Fri	0000	2359	
Sat	0000	2359	
Sun	0000	2359	

**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)**

Staff will be trained before making sales of alcohol in their responsibilities under the Licensing Act 2003. Refresher training will take place at 6 monthly intervals. All training will be documented and made available to the authorities on reasonable request.

**b) The prevention of crime and disorder**

A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 28 days. CCTV images will be provided to the police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images, subject of the provisions of the DPA.

A register of refusals of alcohol will be maintained at the premises. The register shall be examined on a regular basis by the duty manager/ DPS and the date and time of each examination will be endorsed in the register. The register will be made available for inspection by the Police and other authorised officers of the council upon reasonable request.

**c) Public safety**

An incident register will be maintained at the premises and made available to the authorities on request.

**d) The prevention of public nuisance**

All staff at the store will be trained in how to manage any person who they suspect may create a public nuisance in the area of the store. Such people will be asked to leave the area quietly (if safe to do so) an entry will be made in the incident register.

**e) The protection of children from harm**

The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25 they will be asked for proof of their age, to prove that they are 18 years or older.

Posters will be on display advising customers of the 'Challenge 25' policy.

The only forms of identification that will be accepted at the premises are a passport, UK photo-card driving licences, & cards bearing the 'PASS' hologram.

**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 13). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> <li>[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).</li> <li>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)</li> </ul>
Signature	PAUL SHERRATT
Date	05/12/18
Capacity	AUTHORISED AGENT

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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 1.4) LICENSING MATTERS 54 FAIRFIELD DRIVE			
Post town	CLITHEROE	Postcode	BB7 2PE
Telephone number (if any)	01282 500322		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) paul@licensingmatters.net			

CP/2

IN THE MATTER OF AN APPLICATION FOR A PREMISES LICENCE UNDER THE  
LICENSING ACT 2003  
APPLICANT: CLAU & CRIS LTD

**LANCASHIRE COUNTY COUNCIL**

**DIRECTOR OF PUBLIC HEALTH**

I, Dr. SAKTHIDHARAN KARUNANITHI, the Director of Public Health and Wellbeing of Lancashire County Council, a Responsible Authority pursuant to the Licensing Act 2003, object to the application for a premises licence for European Foods at the postal address of 260 Colne Road, Burnley, BB10 1DZ, completed by Paul Sherratt on behalf of Clau and Cris Ltd.

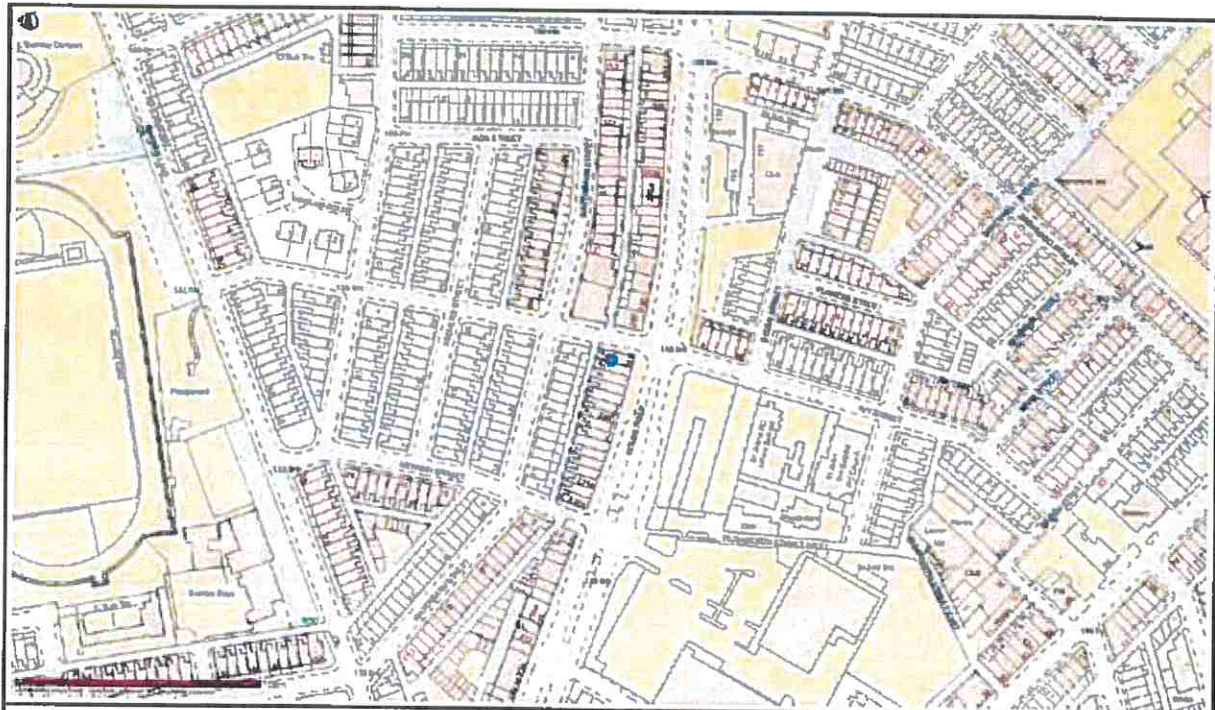
This objection is on the grounds that it is likely that if the "Premises Application" is granted it will have a negative impact on the prevention of crime and disorder and the protection of children from harm in an area that is already disproportionately affected by the harms associated with alcohol.

I authorise Clare Elizabeth Platt, Head of Health Equity, Welfare and Partnerships, and Andrew Walter Ascroft, Senior Public Health Practitioner, to provide written and oral representations in objection to this application.

Dr. SAKTHIDHARAN KARUNANITHI  
Director of Public Health and Wellbeing

Dated: 20/12/2018

CP/3



260 Colne Road



Date: 17/12/2018

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Centre of map: 554123 43477

**Public Health Licensing**

**From:** Alcroft, Andrew  
**Sent:** 23 December 2018 09:59  
**To:** 'Lynda Waddington'  
**Cc:** 'lee.stoulton@lancashire.pnn.police.uk'  
**Subject:** Licensing Analysis  
**Importance:** High

Hi Lynda

As discussed yesterday we have received an application for a premises licence for European Foods, 260 Colne Road, Burnley. The application is for them to sell alcohol for consumption off the premises 24 hours a day 7 days a week. It is also for them to sell late night refreshments i.e. hot food between the hours of 2300 and 0500.

We are proposing to object to this application on behalf of the Lancashire County Council Director of Public Health and Wellbeing in his role as a Responsible Authority in Licensing due to concerns about it being in a residential area and its potential to impact on crime and disorder. We are liaising with Trading Standards and Police Licensing regarding this also.

To support this could you please assist us in profiling alcohol related crime and disorder in the area of the premises. From a public health perspective we do not want information or details of individual crimes. We want to focus on the impact of alcohol related crime and disorder on the community at a population level. Anything that you share with us will likely be submitted as part of our representation and will therefore be in the public domain – please therefore only share with us information that can go into the public domain as part of our representation.

Please can you use the following as guidance about what would support us in this representation if available – happy to take your thoughts on this.

- Please focus analysis on reported crime within half a mile radius of European Foods, 260 Colne Road, Burnley (happy to take your view on this radius).
- Please focus on the most recent 12 months data available
- Total number of:
  - ALL alcohol related crime
  - Alcohol related ASB
  - ALL alcohol Related Violence
  - Alcohol Related Domestic Violence
- Could you please then state how many of these collectively were under 18 years and how many occurred between 2300 and 0600 hrs.
- Could you please confirm how the ward that this premises ranks compared to other wards in Lancashire in relation to alcohol related crime and disorder

It would be great if you could please compile this in a briefing that we would attach as an appendix to our representation

I appreciate you are very busy at the moment – but the licensing consultation is set to a timescale that we have to work to – could you please get this to me by Wednesday next week?

Burnley District

**Re Application for a premise licence for European Foods, 260 Colne Road Burnley.**

*Produced by Lynda Waddington, Lancashire Partnership Intelligence Analyst, 18<sup>th</sup> December 2018.*



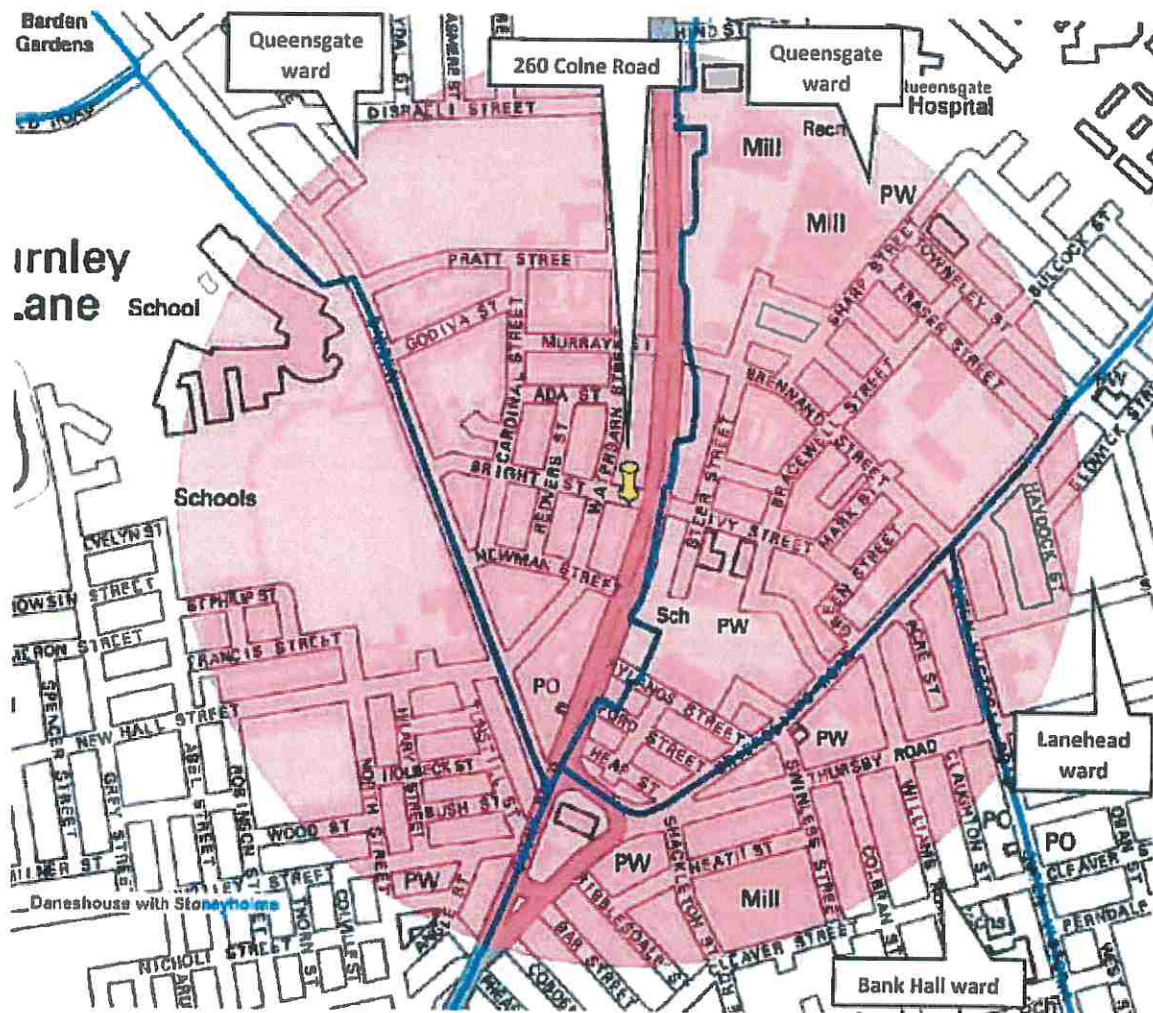
The data has been extracted from Lancashire Constabulary's Sleuth Crime and Command and control systems and the time frame used was 1<sup>st</sup> November 2016 to 31<sup>st</sup> October 2018.

A 400 meter buffer zone was mapped around 260 Colne Road to enable a comparison of data both temporally and spatially to the surrounding area and in the wider context of Lancashire.

All crime and Anti-social behaviour incidents were mapped and extracted from the buffer zone utilising Excel and MapInfo.

European Foods, 260 Colne Road Burnley is situated within Queensgate ward Burnley. The 400 meter buffer zone around the property incorporates part of the Queensgate ward but also covers sections of Daneshouse with Stoneyholme, Bank Hall and Lanehead wards.

*(400m Buffer zone shown in red on the below map)*



Map showing location of 260 Colne Road. It is located at the junction of Colne Road and Bright St, Burnley.



Below image is sourced from Google



## Crime

The below table identifies the volume and types of crime recorded within the 400m buffer zone around 260 Colne Road in the two year period from November 2016 to October 2018.

Date	Nov 2016 to Oct 2017												Total	Nov 2017 to Oct 2018												Total	%
Crime Group	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	2016/17	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	2017/18	change
Violence against the person	11	13	12	5	10	11	7	13	19	9	13	15	138	11	25	26	24	24	23	27	31	27	25	20	23	287	108
Other Acquisitive Offence	10	7	9	13	13	21	13	11	11	13	9	15	145	5	11	11	9	16	20	16	24	16	13	22	12	175	21
Criminal Damage and Arson	9	5	7	4	13	7	9	3	7	11	10	11	96	7	15	8	10	6	14	11	5	15	8	12	17	128	33
Other Crimes against Society	5	1	2	3	4	3	5	6	6	3	7	6	51	5	5	4	7	8	10	11	10	8	13	9	11	101	98
High Impact Acquisitive Crime	3	4	3	2	7	12	2	4	6	7	5	9	64	6	5	8	10	3	2	8	8	10	4	4	5	73	14
Vehicle Crime	5	7	2	3	3	4	2	4	1	5	5	4	45	4	8	4		3	6	2	4	3	2	5	5	46	2
Sexual Offence													14													14	0
Unknown													0											1		1	+
<b>Grand Total</b>	<b>44</b>	<b>39</b>	<b>39</b>	<b>30</b>	<b>50</b>	<b>59</b>	<b>40</b>	<b>45</b>	<b>50</b>	<b>49</b>	<b>51</b>	<b>61</b>	<b>553</b>	<b>39</b>	<b>69</b>	<b>61</b>	<b>61</b>	<b>61</b>	<b>78</b>	<b>76</b>	<b>84</b>	<b>81</b>	<b>66</b>	<b>75</b>	<b>74</b>	<b>825</b>	<b>49</b>

The most recent 12 month period November 2017 to October 2018 has recorded a 49% increase in all crime, up 272 offences from 2016/17 to 825 in 2017/18 within the buffer zone.

The increase in crime within this buffer zone exceeds the percentage increase across Burnley, the East and the Lancashire average during the same time period (+31%, +38.1% and +34% respectively).

Where the time for the crime was recorded 47% of all crime in the buffer zone of 260 Colne Road occurred between 6pm and 2am (132).

The greatest increase has been in the crime grouping of **Violence against the person**, up 108% from 138 in 2016/17 offences to 287 in 2017/18. This is above the 69% increase in Burnley and the 67% increase pan-Lancashire.

Assault with injury has increased 34%, up 21 offences to 83 in 2017/18.

Assault without injury has increased 137%, up 78 offences to 135 in 2017/18.

As a comparison, Assault with injury has increased by 17% in Burnley and 16% pan-Lancashire, and Assault without injury has increased by 65% in Burnley and 72% pan-Lancashire.

Other categories of crime within the buffer zone area that are recording substantial increases are:

Other theft, Theft from person, Criminal damage, Residential burglary and Theft from vehicle.

The 400m buffer zone surrounding 260 Colne Road is an area that has recorded greater increases in All crime and violent crime when compared to Burnley and the Lancashire average.

### Alcohol Related crime

Date	Nov 2016-Oct 2017			Nov 2017-Oct 2018		
Crime Group	All	Alcohol related	% alcohol related	All	Alcohol related	% alcohol related
Violence against the person	138	44	31.9	287	66	23.0
Other Acquisitive Offence	145	9	6.2	175	6	3.4
Criminal Damage and Arson	96	11	11.5	128	15	11.7
Other Crimes against Society	51	6	11.8	101	19	18.8
High Impact Acquisitive Crime	64	4	6.3	73	5	6.8
Vehicle Crime	45		0.0	46	1	2.2
Sexual Offence	14	4	28.6	14	4	28.6
U/K				1		No Calc
<b>Grand Total</b>	<b>553</b>	<b>78</b>	<b>14.1</b>	<b>825</b>	<b>116</b>	<b>14.1</b>

There appears to have been no change in the percentage of alcohol related crime occurring within the buffer zone over the 2 year period (14% in each year). By comparison pan-Lancashire the percentage of alcohol related crime remained at 11% over the two year period.

Thursday, Friday and Saturday were the peak days for offences to occur.

Day of Week	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
Alcohol related offences	12	14	13	21	21	22	13	116

Where a time for the offence was provided 67% occurred between 6pm and midnight (22).

The peak age group for the aggrieved was 25 years to 29 years old and accounted for 20% of the aggrieved – *[where and age was provided]* (17).

In relation to alcohol related Other crimes against society combined with Violence against the person 53% occurred within a dwelling (41), 38% occurred on the street/road (30) and 9% occurred in licensed premises (7).

In 2017/18 there were 58 alcohol related assault offences in the buffered zone. This comprised of 40 Assault without injury (18 domestic related) and 18 Assault with injury (6 domestic related).

The age range for the aggrieved was between 15 and 64 years old.

The peak age range for the aggrieved was 35 to 39 year olds accounting for 17% of the aggrieved (10).

### Domestic Abuse

15% of the crimes occurring in the area were domestic related (124), this is an increase on the 9% recorded in the previous year 2016/17 and equates to a 148% increase, up 74 offences to 124.

As a comparison crimes of Domestic abuse across Burnley increased by 90.2%, this includes all crimes that have a 'domestic abuse flag' including non-violent categories i.e. criminal damage.

In East the increase is 91% and pan Lancashire the increase is 68%.

Within the buffer zone of 260 Colne Road the crime group Violence against the person accounted for 77% of all domestic abuse related crimes (96).

28% of the domestic related crimes were alcohol related (35).

### Anti-social behaviour (ASB)

Across Burnley there has been a -20.7% reduction in ASB, down 1,190 incidents to 4,560.

Across East the reduction is -25.5% and pan Lancashire a -26.2% reduction.

Within the buffer zone ASB incidents have recorded a 14% reduction. This reduction is not as great as the reduction in Burnley, East or Lancashire.

The peak days for ASB incidents were Friday to Sunday, and the peak hours were between 5pm and midnight (151).

Day / Hour	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	Total
Monday	3	1	1	1		2					2			1	2	2	3	2	4	2		2	3	2	33
Tuesday		3	1					1		2		1	1	1			3	3	5	2	5	3	3	4	38
Wednesday	1	1		1				1	2	1	1	2	3	1		2	2	2	2	6	3	1	3	3	38
Thursday		4	2		1			2			1	1	1	2	2	1	3	5	7	7	2	1	4		46
Friday	3	3	1	1				2		5	1	2	2	3	1	7	1	3	6	2	3	2	2	3	53
Saturday	3	1		1		2			1	1	3	1	2	1	1	4	3	5	5	2	2	1	5	9	53
Sunday	2	2	1	1	2	2	2	1		1			2	3	2	6	3	3	2	2	4		2	2	45
Grand Total	12	15	6	5	3	6	2	7	3	10	8	7	11	12	8	22	18	23	31	23	19	10	22	23	306

### Alcohol related ASB

Within the buffer zone approximately 13% of all ASB is alcohol related, this is greater than the 8% alcohol related ASB in Burnley.

Hour	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	Total
Alcohol related	1	6	2	1	1	1		1		2	1	1		1		1	3	3	3	2	2	1	3	3	39
% alcohol related	8	40	33	20	33	17	0	14	0	20	13	14	0	8	0	5	17	13	10	9	11	10	14	13	13%
Grand Total	12	15	6	5	3	6	2	7	3	10	8	7	11	12	8	22	18	23	31	23	19	10	22	23	306

Peak days Friday to Sunday accounted for 59% of all alcohol related ASB (23).

### Noise related ASB

Within the buffer zone approximately 31% of all ASB is noise related, this is greater than the 23% noise related ASB in Burnley.

Hour	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	Total
Noise	9	9	2	4	3	5	2	3		2	1	1	2	2		2	2	4	4	3	5	5	13	11	94
% noise related	75	60	33	80	100	83	100	43	0	20	13	14	18	17	0	9	11	17	13	13	26	50	59	48	31
Grand Total	12	15	6	5	3	6	2	7	3	10	8	7	11	12	8	22	18	23	31	23	19	10	22	23	306

### Youth related ASB

Within the buffer zone approximately 18% of all ASB is youth related, this is less than the 28% youth related ASB in Burnley.

Hour	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	Total
Youth related	2	1									3	2	2		1	7	4	7	8	8	3	2	3	2	55
% youth related	17	7	0	0	0	0	0	0	0	0	38	29	18	0	13	32	22	30	26	35	16	20	14	9	18
Grand Total	12	15	6	5	3	6	2	7	3	10	8	7	11	12	8	22	18	23	31	23	19	10	22	23	306

## **In Conclusion – main points**

### **Crime**

The 400m buffer zone surrounding 260 Colne Road is an area that has recorded greater increases in All crime and violent crime when compared to Burnley and the Lancashire average.

The greatest increase has been in the crime grouping of Violence against the person, up 108% from 138 in 2016/17 offences to 287 in 2017/18. This is above the 69% increase in Burnley and the 67% increase pan-Lancashire.

In relation to alcohol related Other crimes against society combined with Violence against the person 38% occurred on the street/road.

In 2017/18 there were 58 alcohol related assault offences in the buffered zone.

15% of the crimes occurring in the area were domestic related (124), this is an increase on the previous year 2016/17 and equates to a 148% increase.

28% of domestic related crimes were alcohol related (35).

### **Anti-social behaviour**

In addition the reduction of Anti-social behaviour incidents within the buffer zone is not as great as the reduction seen in across Burnley, East or Lancashire.

Within the buffer zone there is a greater percentage of alcohol related ASB than in Burnley. There is also a greater percentage of noise related ASB. However there is a lower percentage of youth related ASB in the buffer zone than recorded in Burnley.



Lancashire County Council

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

Continued statement of: **LAUREN MANNING** Page No: 2  
illicit tobacco. The female shop assistant sold him a packet of illicit Winston cigarettes for  
£5. These cigarettes were incorrectly labelled.

On 6<sup>th</sup> February 2019 another test purchase was attempted at the premises but the trader  
refused the sale.

Signature: \_\_\_\_\_

LP/QP/32/02

Lancashire County Council

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

**STATEMENT OF (name of witness) LARA MASON**

Age of witness (If over [18] enter over [18]): **OVER 18**

Occupation of witness: **SENIOR FAIR TRADING OFFICER**

This statement (consisting of 1 pages each 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 31<sup>st</sup> day of January , 2019 (Signed),

I am the person named above employed by Lancashire County Councils Trading Standards Service, currently assigned to the Special Investigations Team, based at County Hall in Preston.

On the afternoon of 23 January 2019 I instructed adult volunteer **ARKADIUSZ OWSIANSKI**, to enter the premises trading as **EUROPEAN FOOD STORE** situated at **260 COLNE ROAD, BURNLEY** in the County of Lancashire and attempt to purchase illicit tobacco products. I waited in a vehicle close by.

A few minutes later the adult volunteer returned to the vehicle and handed to me a packet of **WINSTON** cigarettes, I noticed that these were incorrectly labelled, I placed them into evidence bag referenced **M12014057** and labelled it as **LAM/EFS/1**, photographs of which I now produce labelled as **LAM/EFS/PIC1** and **LAM/EFS/PIC2**.

The adult volunteer gave me a description of what had occurred in the shop and of the people concerned.

Signature: \_\_\_\_\_

LP/ORU/32/02

1. Introduction



CPH/11/15/12



Lancashire County Council

**Statement of Witness**  
(Criminal Procedure Rules, r27.1(1);  
Criminal Justice Act 1967, s9, Magistrates' Courts Act 1980, s58)

**STATEMENT OF (name of witness) ARKADIUSZ OWSIANSKI**

Age of witness (if over [18] enter over [18]): **OVER 18**

Occupation of witness: **DRIVER**

This statement (consisting of 2 pages each 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            day of            , 20            (Signed)

I am the person named above, on 23 January 2019 I assisted Lancashire County Council's Trading Standards service in a test purchasing exercise.

On the afternoon of that day I was instructed by LARA MASON, a Senior Officer with Lancashire Trading Standards, to go into the premises trading as **EUROPEAN FOOD STORE** at **COLNE ROAD, BURNLEY** and attempt to buy illicit tobacco products.

I was served a packet of **WINSTON** cigarettes by a female shop assistant who I would describe as Eastern European, around 40 years old, 160-165 cm tall, average build with long brown hair and black glasses, she wore a tiger skin top and blue jeans. There was also an older male in the shop who I would describe as eastern European, in his 50s, around 170 cm tall with short black hair that was balding at the front, he wore a black winter coat a blue and green sweater, marine/royal blue jeans and black trainers.

I asked the female assistant what cigarettes they had, she said only Winston and asked the male for them, he handed them over but I did not see where he got them from.

Signature: \_\_\_\_\_

LP/QR/32/02

Lancashire County Council

**Statement of Witness**

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

Continued statement of: **ARKADIUSZ OWSIANSKI**

Page No: 2

I paid £5.00 in cash then left the shop and returned to the car where I handed the cigarettes to Ms Mason, I told her what had happened and gave her a description of the people involved.

Signature: \_\_\_\_\_

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## **BURNLEY BOROUGH COUNCIL**

### **LICENSING ACT 2003**

### **THE CONDUCT OF HEARINGS**

#### **1. Application**

- 1.1 All hearings subject to the Licensing Act 2003 (Hearings Regulations) 2005 will be held in accordance with this procedure. Schedule 1 details the hearing which are subject to this procedure.

#### **2. Time of Hearing**

- 2.1 Hearings will commence within the times illustrated in Column 2 of Schedule 1, and where the hearing is scheduled to take place on more than one day, it will take place on consecutive working days.
- 2.2 Hearings will normally take place from 2-5pm or 6-9pm on the day of the hearing, but hearings may take place at the discretion of the Committee or Sub-Committee appointed to hear the matter in exceptional circumstances.

#### **3. Members of the Committee or Sub-Committee**

- 3.1 Where the full Licensing Committee sit to hear an application, the full Committee will sit, excluding a member who:
- a) has sat on a Development Control hearing in respect of the premises subject to, or concerned in the Licensing Act 2003 application and/or
  - b) is affected by the application e.g. to be assessed on a case by case basis when a Member is a Member for the Ward or a nearby Ward in which the premises are situated

- c) has become an interested party by representing the applicant or any interested party prior to the hearing.
- 3.2 Where a Sub-Committee sit to hear an application, it will consist of 3 members of the full Committee and will exclude a member who:
  - a) has sat on a Development Control hearing in respect of the premises subject to, or concerned in the Licensing Act 2003 application and/or
  - b) is affected by the application e.g. to be assessed on a case by case basis when a Member is a Member for the Ward or a nearby Ward in which the premises are situated
  - c) has become an interested party by representing the applicant or any interested party prior to the hearing.
- 3.3 Members will act in accordance with the Licensing Act 2003, be aware of the Local Authority Co-ordinators of Regulatory Services Guidance on the Role of Elected Members in Relation to Licensing Committee Hearings under the Licensing Act 2003 and the requirements of the Standards Board for England and Wales.

#### **4. Opening of a Hearing and Identifying Parties to the Hearing**

- 4.1 The Chair of the Committee or Sub-Committee will introduce the members of the Committee or Sub-Committee.
- 4.2 The Licensing Manager or Legal Advisor will advise the Committee or Sub-Committee but will not make recommendations or be part of the determination process. They will not retire with the Committee or Sub-Committee members for the purposes of a determination but the Legal Advisor may be asked by the Committee or Sub-Committee to give advice.
- 4.3 At the commencement of proceedings the Legal Advisor will identify in turn, each party to the hearing who is present, and in relation to that party, whether they are represented, and if so, by whom.
- 4.4 The Legal Advisor will identify in turn each party to the hearing who is not present at the hearing and in relation to that party will clarify;
  - a) whether there is evidence that they were given Notice of the Hearing

- b) whether that party has given notice that they intend to attend or be represented
  - c) whether that party has given notice that they consider a hearing to be unnecessary
  - d) whether that party has given notice that they wish to withdraw their representation
- 4.5 Where a party has given notice that they do not intend to attend or be represented, the Committee or Sub-Committee will state whether they intend to proceed in the absence of that party.
- 4.6 Where a party has not given such notice and has failed to attend or be represented, the Committee or Sub-Committee will then decide whether it is necessary in the public interest to adjourn the hearing to a specified date or hold the hearing in the party's absence. The Committee or Sub-Committee may invite representations from the other parties present on this issue before making their decision.
- 4.7 The Committee or Sub-Committee, should it decide to proceed must subsequently consider the application, representation or notice made by a party who does not attend, attaching the appropriate weight of evidence to it.

## **5. Hearings to be held in public**

- 5.1 Unless the Committee determine otherwise following consideration of representations, if any, from the parties present, the hearing shall take place in public. A member of the public, unless a party to the hearing or a person granted permission to address the hearing by the Committee or Sub-Committee at the request of one of the parties, shall not be entitled to address the hearing.
- 5.2 Where representations are made under 5.1 above, such parts or the hearing as the Committee or Sub-Committee in their absolute discretion determine shall be held in private.
- 5.3 The decision at paragraph 5.2 and the reasons for it will be given in public, and the Committee or Sub-Committee will also state whether any party or any persons assisting or representing a party are to be treated as a member of the public for this purpose.

## **6. Commencement of the Hearing**

- 6.1 The Legal Advisor will explain the procedures that the Committee or Sub-Committee will follow at the hearing. In particular the Legal Advisor will clarify that;:
- a) the hearing will take the form of a discussion led by the Committee or Sub-Committee and cross-examination will not be permitted unless the Committee or Sub-Committee considers that cross examination is required for it to consider the representations, application or notice as the case may require.
  - b) Members of the Committee or Sub-Committee may ask a question of any party or other person appearing at the hearing.
  - c) Members of the Committee or Sub-Committee may take into account documentary or other information produced to the authority before the hearing in support of their application, representation or notice. These will have been provided to the Committee or Sub-Committee members by the Licensing Manager prior to the meeting and the substantive content of the documents need not be repeated verbally at the hearing.
  - d) Members of the Committee or Sub-Committee may take into account any new documentary or other information produced to the authority on the day of the hearing with the content of all other parties (if any) and the substantive content of any such documents need not be repeated verbally at the hearing.
  - e) Parties will be allowed a maximum equal period to exercise their rights, such period to be determined by the Committee or Sub-Committee.
  - f) Parties will be allowed to clarify points upon which they wish to support their application.
  - g) Parties may seek permission to question any other party subject to Paragraph a) above.
  - h) Parties may seek permission to address the Committee or Sub-Committee.

## **7. Procedure**

- 7.1 The Licensing Manager or other appointed officer of the Licensing Authority are not a party to the hearing. The Manager will outline the facts of the application and relevant representations received from parties.

- 7.2 The Licensing Manager will then outline the legislation under which a determination is required.
- 7.3 The Licensing Manager will outline;
- a) Relevant parts of the Act
  - b) Relevant subordinate legislation
  - c) Relevant sections from the statutory guidance made under Section 182 of the Act
  - d) Relevant paragraphs of the Statement of Licensing Policy made under Section 5 of the Act.
  - e) The time limit which the Committee or Sub-Committee must make a determination under the law.
- 7.4 Each party to the hearing present will then in turn provide information supporting or clarifying of their representations – commencing with the Responsible Authorities, followed by any interested party and then the applicant.
- 7.5 The Committee or Sub-Committee may advise all the parties of details of representations they have received from parties not present.
- 7.6 Thereafter each party, commencing with the Responsible Authorities, followed by any interested party and finally the Applicant, will be given an opportunity to summarise their representations. No new evidence will be allowed to be introduced by any party during the course of any such summation.
- 7.7 The Committee or Sub-Committee will disregard any information given by a party or any other person to whom permission to appear at the hearing has been given which is no relevant to;
- a) Their application, representation or notice or in the case of another person, the application, representation or notice of the party requesting their appearance, and
  - b) the promotion of the Licensing Objectives or in the case of a hearing to consider a notice given by a chief officer of the police, the crime prevention objective only.
- 7.8 The Committee or Sub-Committee will satisfy themselves that they have heard all the relevant information and retire to make their decision in private.

## **8. Persons behaving in a disruptive manner**

- 8.1 The Committee or Sub-Committee may require any person attending the, hearing who in their opinion are behaving in a disruptive manner to leave the hearing and may;

- a) refuse to permit that person to return, or
- b) permit them to return only on such conditions as the Committee or Sub-Committee may specify

but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

## **9. Adjournment of Hearing**

- 9.1 The Committee or Sub-Committee may adjourn a hearing to a specified date or arrange for the hearing to be held on specified additional dates where it considers this necessary to consider any representations or notice made by a party.
- 9.2 It will not adjourn a hearing in such a way to create an effect on the requirements of granting or rejecting an application under Schedule 8 of the Act or a review under Section 167 of the Act.

## **10. Determinations**

- 10.1 The Committee or Sub-Committee will make its determination at the conclusion of the hearing but in certain circumstances may make a determination within a period of 5 working days of the last day of the hearing.

## **11. Notice of Determination**

- 11.1 The Licensing Manager will issue a notice of determination forthwith to all parties. Such notice will include the reasons for the determination and details of the right of any party to appeal against the decision.

## **12. Record of Proceedings**

- 12.1 The Democracy Team Officer will provide for a record of the hearing to be taken in a permanent and intelligible form and kept for 6 years from the date of determination.

## SCHEDULE 1

Column 1		Column 2
<b>Provision under which hearing is held.</b>		<b>Period of time which hearing must be commenced.</b>
1.	Section 18(3)(a) (determination of application for premises license)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c)
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 39(3)(a) (determination of application to vary premises license).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises license to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5)
5.	Section 44(5)(a) (determination of application for transfer of premises license).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6)
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2)
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).
8.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c)
9.	Section 85(3) (determination of application to vary club premises certificate)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4)
10.	Section 88(2) (determination of an application for review of club premises certificate)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c)
11.	Section 105(2)(a) (counter notice following police	7 working days beginning with the day after the end of the period within which a chief

	objection to temporary event notice)	officer of police may give a notice under section 104(2)
12.	Section 120(7)(a) (determination of application for grant of personal licence)	20 working days beginning with the day after the end of the period during which the chief officer of police may give a notice under section 120(5)
13.	Section 121(6)(a) (determination of application for the renewal of personal licence)	20 working days beginning with the day after the end of the period during which the chief officer of police may give a notice under section 121(3)
14.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence)	20 working days beginning with the day after the end of the period during which the chief officer of police may give a notice under section 124(3)
15.	Section 167(5)(a) (review of premises licence following closure order)	10 working days beginning with the day after the day the relevant licensing authority received the notice given under section 165(4)
16.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 25(2) of Schedule 8

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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