

**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 16th August 2018. The premises was visited by John Yardley of Burnley Borough Council on 16th 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 24th 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 28th 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 30th 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

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