

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I **Sam McConnell**,

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description 91 Raglan Road	
Post town Burnley	Post code (if known) BB11 4LB

Name of premises licence holder or club holding club premises certificate (if known) Kamran Arshad
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Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick yes

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

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
Sam McConnell Lancashire County Council Trading Standards Service 4 th Floor, Lancashire Point County Hall Pitt Street Preston Lancashire PR1 0LD	
Telephone number (if any)	01772 532228
E-mail address (optional)	Sam.McConnell@lancashire.gov.uk

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

Please tick one or more boxes

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

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

The application for review is submitted by Lancashire County Council Trading Standards Service on the grounds that the licensing objective relating to the prevention of crime and disorder is not being observed at A-Z Off Licence, 91 Raglan Road, Burnley BB11 4LB.

The Trading Standards Service understands that the current premises licence was issued on 7th August 2013. From February 2017 the Trading Standards Service has received a number of complaints in relation to the supply of illicit tobacco products from this shop.

Despite Trading Standards enforcement action, the sale of illicit tobacco products has continued, with a number of purchases of illicit tobacco carried out at the premises.

Therefore, the Licensing Committee is encouraged to consider revocation of the relevant premises licence for A-Z Off Licence 91 Raglan Road Burnley.

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

PREVENTION OF CRIME AND DISORDER

- On the 1st February 2017 during an inspection, it was noted that the tobacco gantry was open, advice was given by Trading Standards Officers that the cabinet must be kept closed and tobacco should not to be on open display. No illicit tobacco was found on that day.
- On the 3rd August 2017 Qaiser Mohammed was reported as a result of a number of failed test purchases relating to illicit tobacco. On the 17th July 2019 at Burnley Magistrates Court he was found guilty of 6 tobacco offences, including one e-cig labelling offence.
- On the 3rd October 2017 a test purchase was carried out at 91 Raglan Road a packet of Golden Virginia tobacco was sold with foreign health warnings.
- On the 5th October 2017 on inspection by Trading Standards Officers at 91 Raglan Road, it was noted that the tobacco gantry was not closed and 225 e-liquid bottles were seized as improperly labelled.
- On the 15th May 2018 a test purchase was carried out at 91 Raglan Road, a packet of counterfeit Richmond cigarettes was sold at a cost of £4.
- On the 5th June 2018 a test purchase was carried out at 91 Raglan Road, a packet of counterfeit Richmond cigarettes was sold at a cost of £4. An inspection was also conducted but no further illicit tobacco products were found.
- On the 23rd July 2018 Trading Standards received a complaint that A-Z Off-Licence 91 Raglan Road was selling counterfeit tobacco.
- On the 20th October 2018 a test purchase was carried out at 91 Raglan Road, a packet of counterfeit Richmond cigarettes was sold at a cost of £4.
- On the 24th January 2019 Trading Standards received a complaint that A-Z Off-Licence 91 Raglan Road was selling counterfeit tobacco.
- On the 12th March 2019 a test purchase for illicit tobacco was conducted at 91 Raglan Road no sale was made.

- On the 24th July 2019, 7 days after the convictions at Burnley Magistrates previously referred to, a test purchase was carried out at 91 Raglan Road, a packet of counterfeit Richmond cigarettes was sold at a cost of £4.

RELEVANT INFORMATION – PREVENTION OF CRIME AND DISORDER

- Supplying (including possessing for supply) tobacco products that do not display compliant health warnings is an offence, contrary to the Tobacco and Related Products Regulations 2016;
- Supplying (including possessing for supply) tobacco products bearing trademarks without the consent of the proprietor of the mark (counterfeit) is an offence contrary to the Trade Marks Act 1994.
- Supplying (including possessing for supply) tobacco products which are not in plain packaging is an offence, contrary to the Standardised Packaging of Tobacco Products Regulations 2015.
- The sale of smuggled tobacco products (non-duty paid) is an offence contrary to the Tobacco Products Duty Act 1979.
- Improperly marked tobacco products deny consumers valuable information about the dangers of smoking. Counterfeit tobacco is normally sold much cheaper than its genuine counterparts – typically half the price – which undermines price-based strategies to prevent smoking by making it more accessible to adults and children. Cut price tobacco presents unfair competition to legitimate retailers in the area and typically deprives the taxman of £6.17 for cigarettes and £11.30 for hand rolling tobacco, in terms of lost duty and VAT. In the case of counterfeit products, there is a further risk in that unlike their genuine counterparts, there are no controls over what goes into making them or on the levels of harmful substances they might contain. These products have also been found not to comply with requirements to self-extinguish if left unattended.

Paragraphs 11.27 & 11.28 of 'The Revised Guidance issued under Section 182 of The Licensing Act 2003' (Home Office April 2018) states that:

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

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

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

The following options are available to the committee:-

- 1) Do nothing – However the seriousness of the offences causes grave concern for no action.
- 2) Modify the conditions of the licence; LCC cannot suggest any modification of conditions that would further promote the licensing objective of preventing crime and disorder or that would prevent future offences of this nature from occurring. Modified

or imposed conditions should not duplicate other statutory requirements or other duties or responsibilities placed on the business by other legislation and the business has already shown a blatant disregard for the law through the continued reoffending.

- 3) Remove the Designated Premises Supervisor;
- 4) Suspend the licence for a period not exceeding three months;
- 5) Revoke the premises licence so that no alcohol can be sold at all.

In the opinion of Lancashire County Council Trading Standards Service, the information presented in the application is clear evidence that the Prevention of Crime and Disorder Licensing Objective has been disregarded at these premises.

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

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

Please tick yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

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

Signature:

S. McConnell.....

Date:30th August 2019

Capacity: Principal Officer, Lancashire Trading Standards Service

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

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

Post town

Preston

Postcode

PR1 0LD

Telephone number (if any)

01772 532228

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

Sam.McConnell@lancashire.gov.uk

Notes for Guidance

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