



**Lancashire
Constabulary**

police and communities together

10th March 2020

Licensing Unit
Burnley Borough Council

**Police support to the application for review of licence at 9 Lyndhurst Road,
Burnley, BB10 4ED**

Please accept this as the police representation to the application for licence review that was submitted by Lancashire County Council Trading Standards in relation to 9 Lyndhurst Road, Burnley, BB10 4ED – recorded on our systems as Lyndhurst Road Convenience Store.

The police are supporting this review formally as we have concerns that the prevention of children from harm licensing objective has been undermined at the premises. This is around the issue of underage sales. In addition, the police find that the licensing objectives are being seriously undermined as they cannot abide by the conditions on their licence following repeat licensing visits.

The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Sarah Hussain. This has been the case since January 2017 and it is my belief that she is completely neglectful in her duties in relation to sales of alcohol. To provide some context, Hussain is also the premises licence holder of Premier, Knotts Lane, Colne. Trading Standards recently applied for a review of this store's licence, supported by police, in relation to underage sales (a failed test purchase on 4th October 2019) and concerns over vulnerable children allegedly being supplied cigarettes, alcohol and cannabis by a staff member. The sub-committee at the hearing by Pendle Borough Council took the decision to revoke their licence after listening to representations by Trading Standards and the police. Hussain did not turn up for this hearing – leaving it in the hands of the female called Genna Rigby.

The licence has some extremely stringent conditions which were imposed following a failed test purchase in 2011 due to concerns over the store. Namely:

- 1) THE STORE WILL OPERATE A CHALLENGE 25 POLICY. ALL CUSTOMERS WHO APPEAR TO BE UNDER THE AGE OF 25 WILL BE ASKED FOR ID TO PROVE THEY ARE OVER THE AGE OF 18.
- 2) CHALLENGE 25 POSTERS WILL BE DISPLAYED PROMINENTLY WITHIN THE STORE.
- 3) ALL STAFF SELLING ALCOHOL WILL BE EXTERNALLY TRAINED ON THE AWARD FOR PERSONAL LICENCE HOLDERS COURSE, PRIOR TO MAKING SALES OF ALCOHOL.
- 4) ALL STAFF WILL RECEIVE QUARTERLY REFRESHER TRAINING. THE TRAINING WILL BE DOCUMENTED & MADE AVAILABLE TO THE AUTHORITIES UPON REQUEST.
- 5) AN INCIDENTS & REFUSALS REGISTER WILL BE MAINTAINED AT THE STORE.

6) TILL PROMPTS WILL BE INSTALLED ON THE TILL SYSTEM, TO ALERT STAFF MEMBERS OF AN ALCOHOL SALE REMINDING THEM TO CHECK FOR ID.

I have been concerned about this premises since May 2019 following a visit from police licensing staff volunteer David Pill who reported some breaches of their licence conditions:

MR EHTISHAM SAJJAD (SALES ASSISTANT - 2 YEARS) WAS SERVING. THE PREMISES LICENCE WAS ON DISPLAY. A STATUTORY TOBACCO NOTICE WAS ON DISPLAY. NO REFUSAL/ CHALLENGE DOCUMENTATION. CHALLENGE POLICY WAS UNCLEAR. NO STAFF TRAINING DOCUMENTED. NO STAFF REFRESHER TRAINING. TILL PROMPT SYSTEM ACTIVE - SHOPMATE EPOS - 18+ WARNING. NO POSTERS AT POINT OF SALE. AGE CHECKED USING PHOTO DRIVING LICENCE OR PASSPORT. CCTV OPERATIONAL. NOTES:

MR SAJJAD SAID THE BUSINESS HAS 2 EMPLOYEES SUPERVISED BY SARAH HUSSAIN. INFORMATION/ POSTER PACK LEFT WITH MR SAJJAD. SHOP TELEPHONE: 01282 789393. FOLLOW UP CALL REQUIRED TO ENSURE MS HUSSAIN IS ADDRESSING THE FAILURES AT THIS SHOP.

On 4th October 2019, at 2050hrs, a joint test purchase operation was carried out at the store between Trading standards and police with the following result:

FAIL - TEST PURCHASE OP CARRIED OUT WITH LANCS TRADING STANDARDS. 16-YEAR-OLD VOLUNTEER BOUGHT TWO CANS OF ALCOHOL WITHOUT CHALLENGE FROM SHOP ASSISTANT. DPS NOT PRESENT AT TIME OF SALE. SELLER: EHTISHAM SAJJAD. SAJJAD'S GRASP OF ENGLISH WAS MEDIOCRE AND KNOWLEDGE OF LICENSING ISSUES LOW. COMPLETE BREACH OF LICENCE. AS PER LAST VISIT - DAVE PILL LEFT ADVICE, POSTERS AND TRAINING - ALL OF WHICH HAVE BEEN IGNORED AND POSTERS NOT PUT UP. AS PER CONDITIONS FOLLOWING PREVIOUS HEARING: NO CH25 EVIDENT, NO POSTERS DISPLAYED PROMINENTLY, STAFF MEMBER HAS NOT BEEN ON PERSONAL LICENCE COURSE, NO QUARTERLY TRAINING CAN BE EVIDENCED, NO REFUSALS/INCIDENTS REGISTER AVAILABLE, TILL PROMPT ACTIVE BUT IGNORED ON THIS OCCASION. SLUSH MACHINE EMPTY BUT SMALL BOTTLES OF VODKA NEARBY. SAJJAD SAID SOME CUSTOMERS MIXED THESE INTO THE SLUSHES AS PER INTEL PREVIOUS.

I spoke with Hussain a few days after this incident over the phone and raised my concerns, however I got the impression that she seemed disinterested in what I had to say about the failed test purchase and breaches of conditions.

The test purchase was conducted following a police report made on 3rd October 2019 (Log no LC-20191003-0384 refers) stating: ANON CALLER REPORTING STORE IS SELLING ALCOHOL TO MINORS - STATES SHE SAW A 10 YEAR OLD ASK FOR AND SERVED WITH A 'VODKA' SLUSH PUPPY ON MONDAY NIGHT AT 2000HRS. INF ALSO REPORTS THAT A 15 YEAR OLD, WHO IS RELATED TO THE INF BUYS VODKA FROM THE SHOP ON A REGULAR BASIS AND THE MALE IN THE SHOP SELLS ALCOHOL TO CHILDREN ALL THE TIME

After the test purchase, two more licensing visits were conducted. The first by PC 2623 Jones and John Clucas, licensing officer at Burnley Borough Council at 1330hrs on 14th November 2019:

LICENSING VISIT WITH JOHN CLUCAS, BURNLEY COUNCIL.
SHOP ASSISTANT GAVE HIS DETAILS AS MOHAMMAD UMAR, WHO HAD ONLY
STARTED WORKING THERE SINCE 04/11/19. HE DOES NOT HAVE A PERSONAL LICENCE
AND HAS NOT UNDERTAKEN ANY EXTERNAL TRAINING.
TILL PROMPT WORKING AND MOHAMMAD STATES THAT HE ACCEPTS DRIVING
LICENCE AND PASSPORT AS ID.
A REFUSAL REGISTER WHICH APPEARED TO BE AN A4 PAD WAS PRODUCED WITH THE
LAST ENTRY BEING 12/11/19.
THE CHALLENGE 25 POSTERS WERE PRODUCED FROM UNDER THE COUNTER. ONLY 2
POSTERS DISPLAYED, BOTH BELOW WAIST HEIGHT, ONE AT THE COUNTER AND THE
OTHER ON THE END OF THE COUNTER BUT NOT PROMINENT.
NO DOCUMENTED STAFF TRAINING COULD BE PRODUCED.
SLUSH MACHINE COVERED UP AND NOT CURRENTLY USED.
MOHAMMAD STATED THAT THE BOSS WAS IMRAN KHAN. MR KHAN COMES EVERY
COUPLE OF DAYS.
CCTV WORKING BUT CLOCK 20 MINUTES FAST.
PREMISES LICENCE AND STATUTORY TOBACCO NOTICE ON DISPLAY.

Then a revisit from David Pill at 1953hrs on 29th January 2020:

TERMS: PERSONAL LICENCE HOLDER REQUIRED ON-SITE AT ALL TIMES, CHALLENGE 25,
CCTV EXTERNAL, CCTV INTERNAL.
STAFF PRESENT: NAZAKAT KHAN (FRIEND).
HOLDS A PERSONAL LICENCE. PERSONAL LICENCE NOT INSPECTED. *PERSONAL
LICENCE REQUIRED. *PLEASE VALIDATE THE PERSONAL LICENCE. DECLARED HE HAS A
CERTIFICATE.
PREMISES LICENCE ON DISPLAY.
STATUTORY TOBACCO NOTICE ON DISPLAY.
ELECTRONIC (TILL BASED) REFUSALS LOG.
CHALLENGE 25 POLICY DECLARED.
NO CHALLENGE POLICY DOCUMENTED.
NO STAFF TRAINING DOCUMENTED.
NO STAFF REFRESHER TRAINING DOCUMENTED.
TILL PROMPT: CHALLENGE 18.
POSTERS AT POINT OF SALE: YES.
POSTERS ELSEWHERE IN STORE: NO.
AGE CHECKS/ ID DOCUMENTS: PASSPORT, DRIVING LICENCE.
EXTERNAL CCTV: OPERATIONAL.
INTERNAL CCTV: OPERATIONAL.
14 DAYS REQUIRED – RECORDS FOR 28 DAYS.
CONTACT: SARAH HUSSAIN - NUMBER NOT AVAILABLE.
DOCUMENTATION LEFT WITH STAFF: CHALLENGE 25 INFORMATION PACK.
NOTES: *COULD NOT OUTPUT OR CHECK THE REFUSALS LOG.

This was concerning as I checked with the six local authorities in East Division to see
if Naraka Khan held a personal licence but he was not registered at any of them. Also,
they claimed to have an electronic refusals log but this could not be checked on this
visit.

Since the store has been under the watch of Hussain, there have been a number of issues as follows:

On 5th January 2017, CCTV footage had been requested from the store at least six times but nobody can operate the system. The shop keeper stated that since the change of DPS (to Hussain) they were not bothered before and the present one isn't too. Visit made by PC 6402 Strug.

On 6th January 2017, the then licensing sergeant Jason Middleton visited at 0930hrs and spoke to 'Amir' who said Sarah Hussain was the new owner but the day to day running would be done by 'Roka'. Staff member had no idea how to download footage despite being a licence condition.

On 12th January 2017, PS Middleton visited at 1145hrs with John Yardley from Burnley Council as the licence was suspended due to non-payment.

Although Sarah Hussain has been DPS and PLH since 2017, it is my belief that her associates have been involved with the running of this shop for much longer – with Hussain's associate Rigby being involved with the store in 2012. At this point Rigby was working at the store and had no idea that all staff needed to have a personal licence.

It is clear that, for some years, there has been no consideration or serious attempt to abide by their licence conditions. Although stringent, I do not believe they are difficult to enforce in any way.

All the above supports our stance that the licensing objectives are undermined at this store.

The following options are available to the committee:-

- 1) Do nothing – However the lack of any tangible action from DPS and PLH causes grave concern regarding vulnerability and young people.**
- 2) Modify the conditions of the licence – The Police feel that modifying the conditions may have some impact in promoting the Licensing Objectives but these modifications will have to be robust and proportionate.**
- 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 Police, the information presented here indicates the total undermining of the licensing objectives. There has been a failed test purchase and the DPS/PLH does not appear to have any care around her responsibility to sell alcohol responsibly. Despite police visits, this irresponsible

approach is still continuing. There are blatant breaches of licensing conditions constantly. It is my belief that this will simply continue as it has done since 2012.

Lancashire Police respectfully requests that the committee considers whether revocation of the premises licence is proportionate. At the least, some robust additional conditions and removal of DPS may be appropriate in the circumstances.

Regards

Sgt 3707 Gary Hennighan
Licensing Sergeant – East Division

