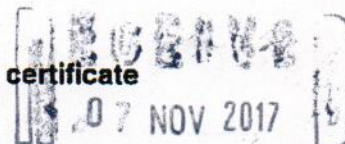


**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Rick Wilson,

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Drinks Express 260 Colne Road	
Post town Burnley	Post code (if known) BB10 1DZ

Name of premises licence holder or club holding club premises certificate (if known) Khalid Parvez
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Number of premises licence or club premises certificate (if known) 0065

Part 2 - Applicant details

I am

Please tick yes

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

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

**Current
postal
address if
different
from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

The application for review is submitted by Lancashire County Council Trading Standards Service on the grounds that the licensing objective relating to the prevention of crime and disorder is not being observed at Drinks Express, 260 Colne Road, Burnley BB10 1DZ.

Trading Standards say that a lengthy history of illegal activity at the premises represents a flagrant and systematic disregard for the relevant licensing objective. The trade in illicit products is considered to be an integral feature of its business model which has continued, unabated, despite repeated enforcement activity.

Therefore, the Licensing Committee is encouraged to consider revocation of the relevant premises licence for Drinks Express.

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

PREVENTION OF CRIME AND DISORDER

- 19/07/10 – a test purchase of 2 pouches of illicit tobacco was made from Drinks Express. A written warning was later sent to Mr Khalid Parvez in relation to this.
- 04/02/11 – 9 bottles of illegally diverted non-duty paid High Commissioner whiskey and Glen's Vodka were seized from Drinks Express by Her Majesty's Revenue and Customs during a joint visit with Lancashire Trading Standards Service.
- 03/10/12 – a test purchase was made from Drinks Express of 1 pack of illicit Golden Virginia tobacco.
- 14/02/14 – complaint received that Drinks Express is selling illicit tobacco.
- 18/02/14 – an officer attempted a test purchase of 'cheap tobacco' but was informed by the shop assistant at Drinks Express that they had just sold out.
- 20/02/14 – 104 packs of 9 different brands of tobacco/cigarettes were seized, mainly from a hidden compartment in the store room at Drinks Express. All bore incorrect health warnings and were non-duty paid, while 97 of these packs were also counterfeit. A notebook containing lists and values of illicit brands seized was taken from behind the counter.
- 20/02/14 - Waqar Mahmood aka Xavier Khalid, the son of licensee Khalid Parvez, assaulted Trading Standards Officer Michael Craig and tried to take a case carrying seized goods off him at Drinks Express. Mr Craig's arm was injured as a result of this assault. Trading Standards Officers managed to exit the shop and call the police, who arrested Xavier Khalid.
- 08/12/2016 - Prosecution of Waqar Mahmood aka Xavier Khalid for assaulting a Trading Standards Officer, Michael Craig, at Drinks Express.
 - 08/12/16 – Prosecution of Waqar Mahmood aka Xavier Khalid for possession for supply of tobacco products seized from Drinks Express on 20th February 2014.
 - Waqar Mahmood aka Xavier Khalid was convicted of both offences, fined £600 and was ordered to pay £3300 costs.
- 11/05/17 – test purchase of 1 pack of illicit President cigarettes made from Drinks Express. These cigarettes did not contain compliant health warnings.
- 03/06/17 – test purchase of 1 pack of illicit Paradox cigarettes from Drinks Express. These cigarettes did not contain compliant health warnings.
- 20/06/17 – test purchase of 1 pack of illicit Paradox cigarettes from Drinks Express. These cigarettes did not contain compliant health warnings.
- 10/07/17 – 37 packets of counterfeit / non-duty paid cigarettes and tobacco and 4 bottles of counterfeit Smirnoff vodka were seized from Drinks Express. The cigarettes were hidden in the rear stockroom, whilst the vodka was discovered behind the counter. Trading Standards prosecutors are currently preparing prosecution files in relation to these new offences at Drinks Express.

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) tobacco products bearing trademarks without the consent of the proprietor of the mark is an offence contrary to the Trade Marks Act 1994.
- The sale of smuggled tobacco products is an offence contrary to the Tobacco Products Duty Act 1979.
- Knowingly acquiring, harbouring keeping or concealing non-duty paid alcohol is an offence contrary to the Customs and Excise Management Act 1979.

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

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

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

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

The following options are available to the committee:-

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

In the opinion of Lancashire County Council Trading Standards Service, the information presented in the application is clear evidence that the Prevention of Crime and Disorder Licensing Objective has been flagrantly and systematically disregarded. Despite repeated enforcement action, over a period of seven years, the sale of illicit tobacco has continued at the 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

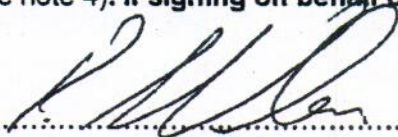
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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



Date: 7th November 2017

Capacity: Principal Officer, Lancashire Trading Standards Service

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

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

Post town

Preston

Postcode

PR1 0LD

Telephone number (if any)

01772 532228

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

rick.wilson@lancashire.gov.uk

Notes for Guidance

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