

**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 Lifestyle Express (Anglesey Off Licence) 5 Anglesey Avenue	
Post town Burnley	Post code (if known) BB12 6AY

Name of premises licence holder or club holding club premises certificate (if known) Humera Zafar

Number of premises licence or club premises certificate (if known) 0124

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 checked="" 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 objectives relating to the prevention of crime and disorder and the protection of children from harm is not being observed at Lifestyle Express (Anglesey Off Licence), 5 Anglesey Avenue, Burnley BB12 6AY

Trading Standards say that a lengthy history of illegal activity at the premises represents a flagrant and systematic disregard for the relevant licensing objectives.

The trade in illicit tobacco products has been discovered on more than one occasion. A recent history of underage sales of both alcohol and tobacco have been recorded whilst the sale of alcohol to a 14 year old child ended in near fatal circumstances.

Therefore, the Licensing Committee is encouraged to consider revocation of the relevant premises licence for Lifestyle Express (Anglesey Off Licence).

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

PREVENTION OF CRIME AND DISORDER / PROTECTION OF CHILDREN FROM HARM

- 24/10/16 – A Police Penalty Notice for Disorder was issued to Humera Zafar (date of birth 29/07/1990) for selling alcohol to an individual aged under 18.
 - Humera Zafar is the current premise licence holder and designated premise supervisor at Lifestyle Express (Anglesey Off Licence).
- 02/11/16 – Trading Standards seized 2 x 50g pouches of illicit tobacco from Razaqat Ali at Lifestyle Express (Anglesey Off Licence).
 - Razaqat Ali is the husband of Humera Zafar.
- 04/11/2016 - A warning letter was sent from Trading Standards to Mr Ansar who was the premise licence holder and designated premises supervisor at the time of the seizure. The letter contained a form for the owner of illicit tobacco to sign over the tobacco.
- 22/11/16 - The signing over form was received at Trading Standards. Humera Zafar had signed this form confirming that she was the owner of the illicit tobacco.
- 27/02/17 – Lancashire Trading Standards Service receive intelligence from Police that illicit tobacco was being supplied from the store.
- 29/03/17 – Lancashire Trading Standards Service made a test purchase of illicit tobacco from the store and were supplied with illicit President cigarettes after asking for hand rolling tobacco. The lady who sold the cigarettes told Trading Standards they would have some hand rolling tobacco if we returned that same evening.
- 13/04/17 – Lancashire Trading Standards Service made a seizure of illicit tobacco products from a vehicle parked outside the store. This consisted of 11 pouches of illicit Amber Leaf tobacco and 7 packs of 20 Richmond cigarettes, all of which were counterfeit.
 - The vehicle was a VW Passat which was owned by Razaqat Ali, the husband of Humera Zafar.
- 03/05/17 – Lancashire Trading Standards Service made a visit to assess if the store had systems in place to prevent underage sales of alcohol taking place. Advice was provided as the store had no age verification policy, refusals register, recorded staff training and the till prompt system to advise the seller to check identification was unreliable. The CCTV system could not be operated by the Designated Premises Supervisor, Humera Zafar.
- 19/10/17 – Lancashire Trading Standards Service received a complaint that underage sales of tobacco were taking place from the store from a member of the public.
- 14/11/17 – Lancashire Trading Standards Service conducted a test purchasing operation at the store and an underage sale of 20 Superkings cigarettes was made

to a 15 year old volunteer. The sale was made by Maryam Mursaleen (date of birth 14/06/1988) who was working alone at the store.

- 01/12/17 – Humera Zafar was fined £250 with a victim surcharge of £30 and costs of £1,085.41 after pleading guilty at Burnley Magistrates Court to supplying tobacco products that do not display compliant health warnings, which is an offence contrary to the Tobacco and Related Products Regulations 2016; and the supply of counterfeit tobacco products which is an offence contrary to the Trade Marks Act 1994.

The specific offences are listed below: -

1. On 13 April 2017 at Sycamore Stores, 5 Anglesey Avenue, Burnley, in the County of Lancashire, you did supply by way of possession for sale, tobacco products for smoking, namely eleven packets of AMBER LEAF hand rolling tobacco and seven packets of RICHMOND cigarettes, each of which did not comply with the labelling requirements set out in Part 2 of the Tobacco and Related Products Regulations 2016, contrary to regulation 48(a)(i) of the said Regulations, made under section 2(2) of the European Communities Act 1972.

2. On 13 April 2017 at Sycamore Stores, 5 Anglesey Avenue, Burnley, in the County of Lancashire, with a view to gain for yourself or another, or with intent to cause loss to another, and without the consent of the proprietor, you did have in your possession, custody or control with a view to selling, offering or exposing for sale, or distributing in the course of a business goods, namely eleven packets of hand rolling tobacco, each of which bore a sign identical to, or likely to be mistaken for, the AMBER LEAF registered trade mark, contrary to section 92(1)(c) of the Trade Marks Act 1994.

3. On 13 April 2017 at Sycamore Stores, 5 Anglesey Avenue, Burnley, in the County of Lancashire, with a view to gain for yourself or another, or with intent to cause loss to another, and without the consent of the proprietor, you did have in your possession, custody or control with a view to selling, offering or exposing for sale, or distributing in the course of a business goods, namely seven packets of cigarettes, each of which bore a sign identical to, or likely to be mistaken for, the RICHMOND registered trade mark, contrary to section 92(1)(c) of the Trade Marks Act 1994.

4. On 13 April 2017 at Sycamore Stores, 5 Anglesey Avenue, Burnley, in the county of Lancashire, in the course of a business, you displayed or caused to be displayed, tobacco products in the form of blunts, contrary to section 7A(1) of the Tobacco Advertising and Promotion Act 2002.

- 17/01/2018 – Lancashire Trading Standards Service are currently preparing a prosecution report in respect of the sale of tobacco products to a person under the age of 18 years which took place during the test purchasing operation conducted on 14/11/2017

Relevant Information - Protection of Children from Harm

- Under Section 146 of the Licensing Act 2003 a person commits an offence if he sells alcohol to an individual aged under 18

- Under Section 7 of The Children and Young Persons Act 1933 it is a criminal offence to sell tobacco products to any person under the age of 18 years. The offence can be committed by both the seller (i.e. the shop assistant) and the business owner and can lead to prosecution through the Magistrates Court leading to a fine of up to £2500.

Relevant Information - Protection 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 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.

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.

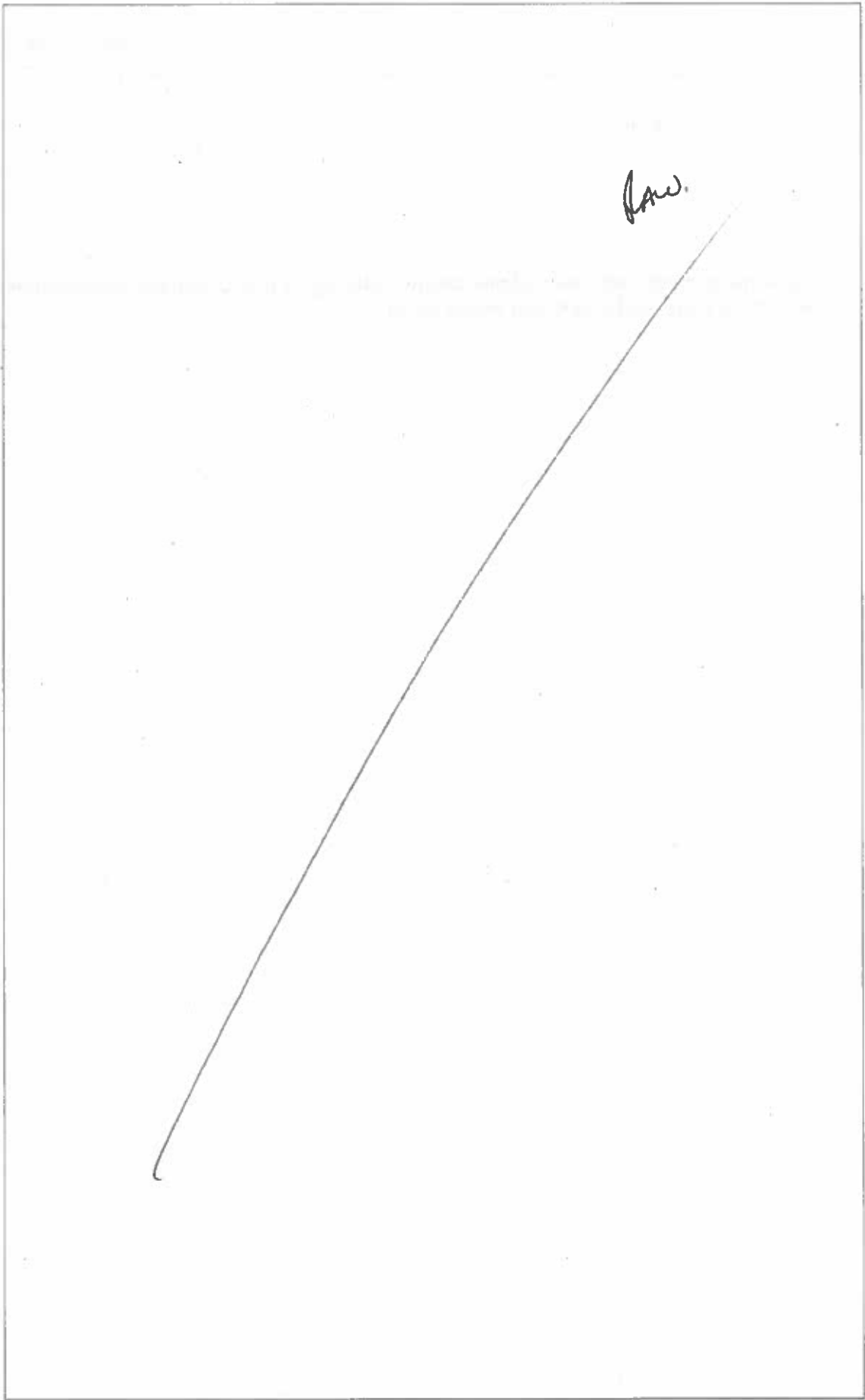
It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines 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 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 and Protection of Children from Harm Licensing Objectives have been flagrantly and systematically disregarded.

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

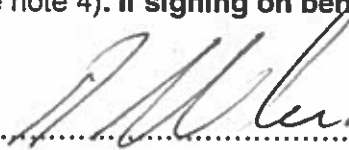
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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: 17th January 2018

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.