

# Public Document Pack



## **Agenda for a meeting of the Bradford District Licensing Panel to be held on Wednesday, 7 February 2018 at 10.00 am in Committee Room 1 - City Hall, Bradford**

### **Members of the Committee – Councillors**

<b>LABOUR</b>	<b>THE INDEPENDENTS</b>	<b>INDEPENDENT</b>
<b>M Slater</b>	<b>Hawkesworth</b>	<b>Morris</b>

### **Notes:**

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.

### **From:**

Parveen Akhtar  
City Solicitor

Agenda Contact: Claire Tomenson

Phone: 01274 432457

E-Mail: [claire.tomenson@bradford.gov.uk](mailto:claire.tomenson@bradford.gov.uk)

### **To:**

## **A. PROCEDURAL ITEMS**

### **1. DISCLOSURES OF INTEREST**

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

*Notes:*

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

### **2. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting. Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Claire Tomenson - 01274 432457)

## B. BUSINESS ITEMS

3. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE FOR MARS A DAY, 274 LUMB LANE, BRADFORD,** 1 - 40

The Assistant Director Waste, Fleet and Transport Services will present a report (**Document “L”**) which outlines an application that has been made for a review of the premises licence authorising the sale of alcohol in respect of Mars A Day, 274 Lumb Lane, Bradford.

**Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application.**

(Melanie McGurk – 01274 431873)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

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## **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of Bradford Area Licensing Panel to be held on 7 February 2018.**

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**L**

### **Subject:**

**Application for a Review of a Premises Licence for Mars A Day, 274 Lumb Lane, Bradford, BD8 7SF.**

### **Summary statement:**

**Application for review of a Premises Licence authorising the sale of alcohol.**

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John Major  
Assistant Director  
Waste, Fleet & Transport Services

Report Contact: Melanie McGurk  
Senior Licensing Officer  
Phone: (01274) 431873  
E-mail: [melanie.mcgurk@bradford.gov.uk](mailto:melanie.mcgurk@bradford.gov.uk)

### **Portfolio:**

**Neighbourhoods & Community Safety**

### **Overview & Scrutiny Area:**

**Corporate**

## 1. SUMMARY

The application is for the review of a Premises Licence authorising the sale of alcohol.

## 2. BACKGROUND

### 2.1 The Premises

Mars A Day, 274 Lumb Lane, Bradford, BD8 7SF.

### 2.2 Premises Licence holder

Mr Stephen Hoskin.

### 2.3 Designated Premises Supervisor

Mr Stephen Hoskin.

A copy of the Licence is attached at Appendix 1.

### 2.4 Application Received asking for a Review of the Licence

#### Responsible Authority

Intelligence was received by West Yorkshire Trading Standards (WYTSS) that the premises was selling age restricted products (fireworks) to minors.

On 25 October 2017, a WYTSS officer witness fireworks being sold individually to a 14 year old for £1 each. The fireworks had been removed from their fire retardant packaging. The premises licence holder/designated premises supervisor was not present and the person working in the shop stated that he had not been provided with any training, which is a breach of condition 1 of the licence.

The officer noted that there is no CCTV system installed in the premises in breach of condition 2 of the licence and no evidence of a Challenge 25 policy being implemented in breach of condition 3.

Two further inspections were undertaken in November 2017, and illegal cigarettes were recovered on both occasions. The cigarettes did not have the 'UK Duty Paid' mark and did not comply with the standardised packaging of tobacco regulations.

West Yorkshire Trading Standards is concerned that the premise is not operating legally and would recommend revocation of the licence.



The application for review is attached at Appendix 2.

## **2.5 Representations**

### **Responsible Authorities**

#### **West Yorkshire Police**

A representation has been received from the West Yorkshire Police Licensing Officer, regarding counterfeit cigarettes being discovered at the premises on two separate occasions. On another occasion, the manager of the premises was arrested and admitted the offence of possession of cannabis found at the shop. The manager has also been arrested for criminal damage on a separate occasion and has admitted the offence at Court.

Police Officers also attended the premises after receiving a call regarding fireworks being let in the shop and let off into the main road outside. The manager and another male were dealt with for this offence under S80 of the Explosives Act. According to the Officer, both males were working in the shop and were heavily in drink.

Mr Stephen Hoskin is the premises licence holder and DPS. West Yorkshire Police are concerned regarding his management and subsequent involvement in the running of the premises and request that consideration is given to revoking the premises licence. If the licence is not revoked, the police request that Mr Hoskin is removed as DPS.

The representation from West Yorkshire Police is attached at Appendix 3.

## **3. OTHER CONSIDERATIONS**

### **Legal Appraisal**

**3.1** The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

**3.2** The Council must also have regard to the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003. Paragraphs 11.1 to 11.30 of the Guidance specifically details how applications for review of licences should be determined. Regard must also be taken of the Council's statement of Licensing Policy for the District.



An extract of the Home Office Guidance is attached to this report at Appendix 4.

- 3.3 Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.
- 3.4 Only “relevant representations” can be taken into account. In order to be “relevant” a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.
- 3.5 Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

### **Statement of Policy Issues**

- 3.6 The following parts of the Licensing Policy are of particular importance; Part 4 (Prevention of Crime & Disorder), Part 5 (Public Safety) and Part 7 (Protection of Children from Harm).
- 3.7 The Annexes to the Policy sets out various types of model condition that could be considered.

## **4. FINANCIAL & RESOURCE APPRAISAL**

There are no apparent finance or resource implications.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

There are no apparent risk management implications.

## **6. LEGAL APPRAISAL**

Referred to in part 3 of this report.

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

The Council has to comply with the public sector equality duty in S.149 Equality Act 2010.

### **7.2 SUSTAINABILITY IMPLICATIONS**

There are no apparent sustainability implications.





### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There are no apparent implications.

### **7.4 COMMUNITY SAFETY IMPLICATIONS**

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 3.1 of this report.

### **7.5 HUMAN RIGHTS ACT**

The following rights are applicable:

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state’s right to control the use of property in accordance with the general interest. The Council’s powers set out in the recommendations fall within the states right. A fair balance must be struck between public safety and the applicant’s rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels’ usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

### **7.6 TRADE UNION**

Not applicable.

### **7.7 WARD IMPLICATIONS**

Ward Councillors have been notified of receipt of the application.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None.

## **9. OPTIONS**

### **9.1 Members may:**

- (a) Refuse the application for review of the licence; or
- (b) Decide not to impose any further restrictions on the licence; or
- (c) Decide to impose additional restrictions or remove any licensable activities



on the licence, where necessary in order to address the licensing objectives;  
or

- (d) Suspend the licence for a period not exceeding 3 months; or
- (e) Revoke the premises licence; or
- (f) Remove the named Designated Premises Supervisor from the Licence.

**9.2** Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the licence or to any conditions or restrictions attached by Members they may appeal to the Magistrates Court.

## **10. RECOMMENDATIONS**

Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application(s).

## **11. APPENDICES**

1. Premises Licence
2. Application for review received 14 December 2017.
3. Representation from West Yorkshire Police
4. Extract from the Government Guidance.

## **12. BACKGROUND DOCUMENTS**

Application form, plan etc.



**Licensing Act 2003 - Premises Licence**

**Licence No: 202336**

**Date Issued: 27 April 2016**

**Part 1 - Premises Details**

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**Mars a Day**  
274 Lumb Lane, Bradford, BD8 7SF

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**DATE FIRST GRANTED - ANNUAL FEE DATE**

Licensing Act 2003 Fees Regulations 2005

27 April 2016

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

The Supply of Alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

The Supply of Alcohol  
Primary

Mon 09:00-23:00  
Tue 09:00-23:00  
Wed 09:00-23:00  
Thu 09:00-23:00  
Fri 09:00-23:00  
Sat 09:00-23:00  
Sun 09:00-23:00

**THE OPENING HOURS OF THE PREMISES**

Primary

Mon 07:00-23:00  
Tue 07:00-23:00  
Wed 07:00-23:00  
Thu 07:00-23:00  
Fri 07:00-23:00  
Sat 07:00-23:00  
Sun 07:00-23:00

**WHERE THE LICENCE AUTHORISES SUPPLY OF ALCOHOL WHETHER THIS IS ON AND/OR OFF SUPPLIES**

The Supply of Alcohol Off Premises

**Part 2**

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Mr Stephen Hoskin  
25 Wycliffe Gardens, Shipley, BD18 3NJ

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Mr Stephen Hoskin  
25 Wycliffe Gardens, Shipley, BD18 3NJ

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Licence Number: 203831

Issued By: Bradford

**ANNEXES**

**Annex 1 – Mandatory Conditions**

**REQUIREMENT FOR A DESIGNATED PREMISES SUPERVISOR**

No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

**AUTHORISATION OF PERSONAL LICENCE HOLDER**

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**AGE VERIFICATION**

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- a) a holographic mark, or
- b) an ultraviolet feature.

**DUTY & TAX**

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1:

(a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979,

(b) 'permitted price' is the price found by applying the formula 'P' equals 'D' plus ('D' times 'V'), where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol,

(c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence,

(d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question, and

(e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions Consistent with Operating Schedule**

### **All Four Licensing Objectives**

1. Staff shall be trained on the requirements of the Licensing Act 2003 with regard to the licensing objectives.

### **The Prevention Of Crime And Disorder**

2. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions. Cameras shall encompass all ingress and egress to the premises and all areas where the sale/supply of alcohol takes place. Equipment must be maintained in good working order, be correctly time and dated and kept in date order and recordings be kept for a period of 28 days. The premises licence holder must ensure at all times the DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format, either DISC or VHS to the Police or Licensing Authority on request. An operational daily log report must be maintained and endorsed by signature, indicating that the CCTV system has been checked and is compliant, in the event of any failings the necessary actions to be recorded. In the

event of technical failure of the CCTV equipment, the premises licence holder/DPS must report the failure to the Bradford District Police Licensing Officer and Local Authority.

3. A Challenge 25 policy shall be implemented.

**Public Safety**

4. All external and internal security lighting shall be maintained in good working order and used, where appropriate, at all times the premises remain open to the public.

**The Prevention Of Public Nuisance**

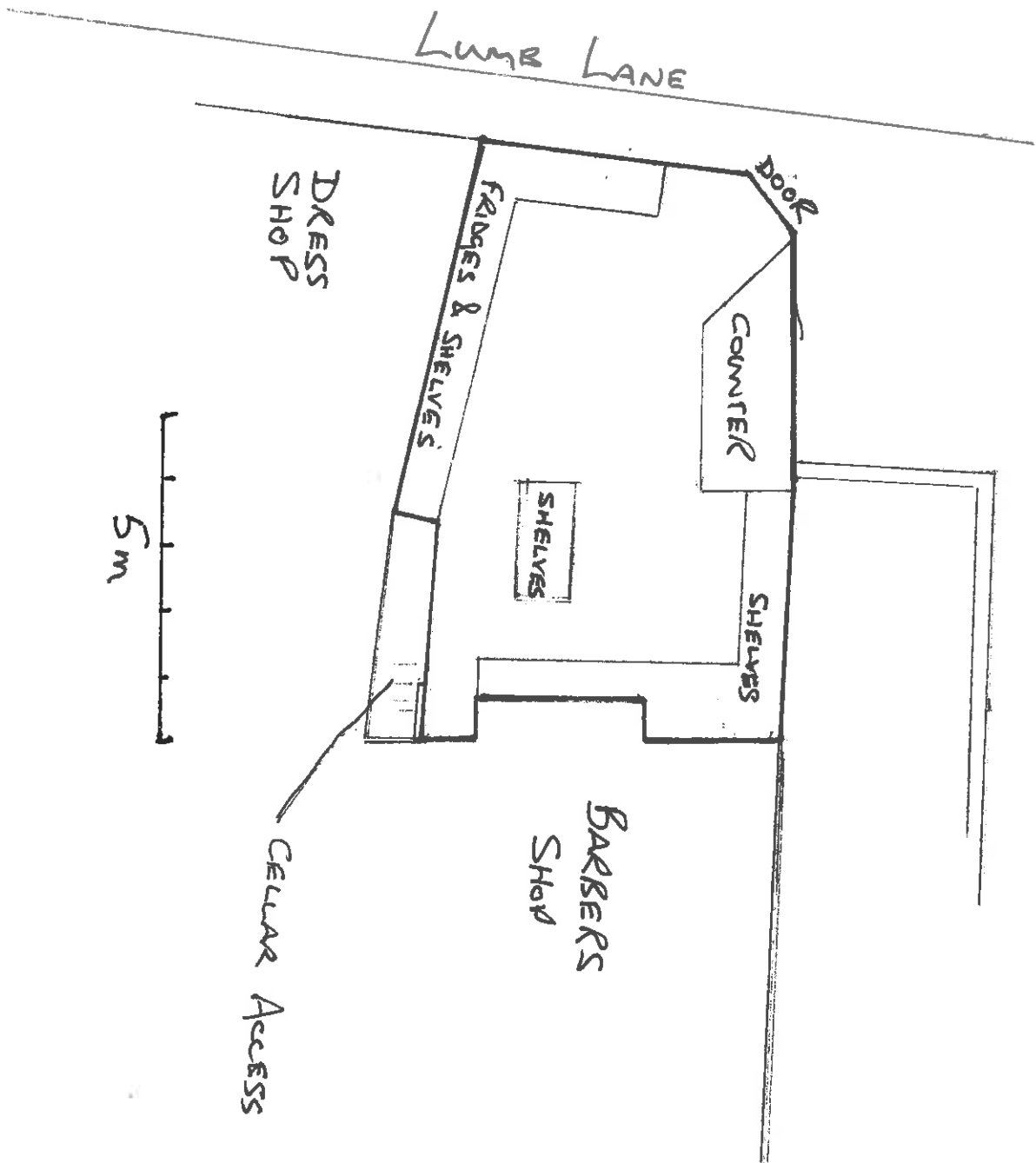
5. The Premises Licence Holder shall ensure that the external areas of the premises are kept clear of litter and refuse.

**The Protection Of Children From Harm**

None.

**Annex 3 – Conditions attached after a hearing by the Licensing Authority**

Not applicable



MARSA DAY CONVENIENCE SHOP  
 274 LUMB LANE BRADFORD BD8 7SF





**Licensing Act 2003 - Premises Licence Summary**  
**Licence No: 202336**

**Date Issued: 27 April 2016**

**Premises Details**

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Mars a Day**  
 274 Lumb Lane, Bradford, BD8 7SF

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

DATE FIRST GRANTED - ANNUAL FEE DATE

Licensing Act 2003 Fees Regulations 2005

27 April 2016

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

The Supply of Alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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	Sun 09:00-23:00

THE OPENING HOURS OF THE PREMISES

Primary	Mon 07:00-23:00
	Tue 07:00-23:00
	Wed 07:00-23:00
	Thu 07:00-23:00
	Fri 07:00-23:00
	Sat 07:00-23:00
	Sun 07:00-23:00

WHERE THE LICENCE AUTHORIZES SUPPLY OF ALCOHOL WHETHER THIS IS ON AND/OR OFF SUPPLIES

The Supply of Alcohol Off Premises

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mr Stephen Hoskin  
25 Wycliffe Gardens, Shipley, BD18 3NJ

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Stephen Hoskin

WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OT PROHIBITED

No restrictions.

# APPENDIX 2

## 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 David Lodge acting on behalf of West Yorkshire Trading Standards Service

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

#### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Mars a Day 274 Lumb Lane, Bradford	
<b>Post town</b> Bradford	<b>Post code (if known)</b> BD8 7SF

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Stephen Hoskin 25 Wycliffe Gardens, Shipley, BD18 3NJ
--

<b>Number of premises licence or club premises certificate (if known)</b> <del>20363T</del> 202336
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#### Part 2 - Applicant details

I am

- 1) an interested party (please complete (A) or (B) below) **Please tick yes**
- 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 West Yorkshire Trading Standards Service PO Box 5 Nepshaw Lane South Morley Leeds LS27 7JQ (Case Officer: David Clutterbrook)
Telephone number (if any) 0113 3939874
E-mail address (optional) david.clutterbrook@wyjs.org.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 checked="" 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 facts of the case are as follows:-

Intelligence was received that the retail premises, Mars A Day 274 Lumb Lane, Bradford was selling age restricted products (fireworks) to minors. This represents a serious risk to public safety and harm to children with potentially explosive items been supplied to juveniles.

On the 25<sup>th</sup> October 2017, a WYTSS officer witnessed fireworks been sold at the store individually, to a 14 year old child, for £1 each. This was part of a wider test purchase operation. The fireworks were being removed from their fire retardant packaging. The store owner or Designated Premises Supervisor was not present. The person working there stated he had learning difficulties and had not been provided with any training whatsoever. This is a clear breach of their Premises licence Objective 1 requiring staff to be trained in the requirements of the Licensing Act 2003 and Licensing objectives. A challenge 25 policy was also not evident which breaches Licence objective 3. Licensing Objective 2 requires a CCTV system to be operating and is very detailed in its requirements for it to be recordable, maintained in good working order, of evidential quality in all lighting conditions, cover ingress and egress and staff must be capable and competent at downloading footage. There is no CCTV system operating in the store.

On 3<sup>rd</sup> November 2017 WYTSS officers again attended the store to carry out an inspection. Behind the service counter, by the till, they found a bag containing various brands of illegal cigarettes, 55 packets in total.

On 24<sup>th</sup> November 2017 WYTSS officers attended the store once more and again recovered illegal cigarettes from behind the service counter, 48 packets in total.

The cigarettes did not have the "UK Duty Paid" mark and did not comply with the standardised packaging of tobacco regulations. The sale of such items shows a blatant disregard for the law. The supply of illegal tobacco causes genuine businesses to lose income which in turn effects the local economy as genuine businesses pay rent, rates, employ local people and buy products and services from other local businesses.

The store was only granted a licence on 27 April 2016. Previous to this it was subject to prosecution by the Alcohol Licensing department of City of Bradford MDC. This followed two test purchases of alcohol from the store with no licence .One by the licensing department and another underage sale by West Yorkshire Trading Standards. The store has a history showing blatant disregard for the law and recent events show it has made no attempt to amend its ways.

WYTSS, as a Responsible Authority, considers the matters outlined above to be extremely serious. In these circumstances WYTSS considers that they have no option other than to seek a review of the Premises Licence and would recommend a full revocation of the licence with removal of Mr Stephen Hoskin as the Premises Licence Holder and the DPS.

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

Please see attached package of papers to support this submission:

Section 9 Statements from:

Jason Bethell

Rachel Binny

Copy of Code B Notice of Powers and Rights 03/11/17

Photographs of:-

Exhibit JLB/1:- 2 x Thunder Rocket fireworks

Exhibit JLB/2:- 55 Packets of 20 Cigarettes in black plastic bag.

**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 X
- I understand that if I do not comply with the above requirements my application will be rejected X

**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

01-12-2017

.....

Capacity

HEAD OF SERVICE DELIVERY

.....

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

David Lodge: Head of Trading Standards  
Nepshaw Lane South  
Morley

**Post town**  
Leeds

**Post Code**  
LS27 7JQ

**Telephone number (if any)** 0113 3939704

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** david.lodge@wyjs.org.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.

**WITNESS STATEMENT**

Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B

**Statement of:** Jason Lee Bethell

**Age of witness:** (if over 18 enter 'over 18') Over 18

**Occupation:** Regulatory Compliance Officer

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated:** 01/12/2017

**Signature:** .....

.....

I am a Regulatory Compliance Officer employed by West Yorkshire Trading Standards Service (WYTSS). I am an authorised officer for the purposes of the Trade Marks Act 1994, Consumer Protection Act 1987 and the Tobacco and Related Products Regulations 2016.

On Wednesday 25<sup>th</sup> October 2017 I took part in an operation to investigate the sale of age restricted products to underage customers. A 14 year old volunteer was accompanied into the store by a WYTSS officer while they attempted to purchase the product. The stores were selected by complaints received about underage sales.

At 14:15 hours that date I attended Mars a Day, 274 Lumb lane, Bradford, BD8 7SF in company with the 14 year old volunteer who approached the counter and asked for fireworks. He was offered rockets for sale at £1 each and bought 2 for £2 before leaving the store. I then approached the counter, identified myself and took details of the person

NOTE: If statements are typed double spacing should be used. (Signed) .....

One side only of this paper should be used.

**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B**

working there. He stated he had not been provided with any training and the owner was not present. I took the 2 rockets into my possession and can identify them by the Exhibit label attached, reference JLB/1, signed by me.

At 14:35 hours on Friday 3<sup>rd</sup> November 2017 I again attended the store, in company with another WYTSS Officer, Rachel Binny, to carry out an inspection. We identified ourselves to the person working there who was the owner Valiallah Hassanzadeh. Binny served him with a record of Inspection notice and from the floor behind the counter and I recovered a 55 x 20 packets of cigarettes in black plastic bag. The cigarettes did not have the "UK Duty Paid" mark and did not confirm to standardised packaging regulations, they were illegal. The cigarettes were sealed in a signed exhibit bag , reference JLB/2, signed by me.

At 13:10 hours on Friday 24<sup>th</sup> November 2017 I again attended the store for an inspection and from behind the service counter another 48 packets of similar illegal tobacco was recovered.

**NOTE:** *If statements are typed double spacing should be used.  
One side only of this paper should be used.*

(Signed) ..

Page 23

Dated.....

1/12/17

Page 2 of 2

**WITNESS STATEMENT**

Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B

**Statement of:** Rachel Binny

**Age of witness:** (if over 18 enter 'over 18') Over 18

**Occupation:** Trading Standards Officer

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated:** 20<sup>th</sup> November 2017

**Signature** .....

I am a Trading Standards Officer employed by West Yorkshire Trading Standards Service (WYTSS). I am an authorised officer for the purposes of the Trade Marks Act 1994, Consumer Protection from Unfair Trading Regulations 2008, Consumer Protection Act 1987 and the Tobacco and Related Products Regulations 2016.

On Friday 3<sup>rd</sup> November 2017 at 14:35 hours I attended Mars a Day, 274 Lumb lane, Bradford, BD8 7SF, in company with Jason Bethell a Regulatory Compliance Officer also employed by West Yorkshire Trading Standards to undertake an inspection. Upon arrival myself and BETHELL identified ourselves to the person who was behind the counter and showed our identification. This person identified himself to us as Valiallah HASSENZADEH and confirmed that he was the owner of the premises.

I then served HASSENZADEH with a PACE Powers and Rights Notice. During the inspection I saw BETHELL inspect behind the counter area of the shop and from under the

**NOTE:** *If statements are typed double spacing should be used.* (Signed) ..  
*One side only of this paper should be used.*

**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B**

counter, near to the till and in front of the cigarette display, he retrieved a bag containing cigarettes which did not comply with UK legislative requirements as they did not have the "UK Duty Paid" mark and did not conform to standardised packaging regulations.

I then saw Jason BETHELL count these cigarettes. I recorded this information on a Report of a Trading Standards Visit a copy of which I then issued to HASSENZADEH. I now produce this as Exhibit RB1. The cigarettes were subsequently sealed in a signed exhibit bag by BETHELL.

NOTE: *If statements are typed double spacing should be used.  
One side only of this paper should be used.*

(Signed

Page 25

Dated

20.11.17

Page 2 of 2

**Business details**

Premises Name Mars Bakery  
 Address 274 Lumb Lane Registered business name & address  
BD8 7SF  
 Type of business Retail Business tel. no. 07802373304  
 Website \_\_\_\_\_  
 Owner/Director/Food Business Operator Valiullah Hussainzadeh  
 Telephone number & email address \_\_\_\_\_  
 Name(s) of person(s) seen & designation \_\_\_\_\_  
 Signature of person(s) seen \_\_\_\_\_  
 DPA consent: Please tick here to authorise WYTS to use and share the above data for commercial purposes with other parts of WY Joint Services

**Specific law under which intervention conducted (ticked)**

- |  |   |
|--|---|
| <input type="checkbox"/> Animal Feed (Composition, Marketing and Use) (England) Regulations 2015                 | <input type="checkbox"/> Food Safety and Hygiene (England) Regulations 2013                     |
| <input type="checkbox"/> Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015         | <input type="checkbox"/> Food Supplement (England) Regulations 2003                             |
| <input type="checkbox"/> Consumer Contract (Information, Cancellation and Additional Charges) Regulations 2013   | <input type="checkbox"/> Fraud Act 2006   |
| <input checked="" type="checkbox"/> Consumer Protection Act 1987   | <input type="checkbox"/> General Product Safety Regulations 2005                                |
| <input type="checkbox"/> Consumer Protection from Unfair Trading Regulations 2008                                | <input type="checkbox"/> Materials in Contact with Food Regulations 2012                        |
| <input type="checkbox"/> Cosmetic Products (Enforcement) Regulations 2013  | <input type="checkbox"/> Nutrition and Health Claims (England) Regulations 2007                 |
| <input type="checkbox"/> Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013 | <input type="checkbox"/> Official Feed and Food Controls (England) Regulations 2009             |
| <input type="checkbox"/> Food Information Regulations 2014 (FIR)   | <input checked="" type="checkbox"/> Standardised Packaging of Tobacco Products Regulations 2012 |
| <input type="checkbox"/> Food Safety Act 1990  | <input type="checkbox"/> Tobacco and Related Products Regulations 2016                          |
| <input type="checkbox"/> Other _____   | <input type="checkbox"/> Trade Marks Act 1994   |
|  | <input type="checkbox"/> Weights and Measures Act 1985  |
|  | <input type="checkbox"/> Weights & Measures Packaged Goods (England) Regulations 2006           |

**Inspection details**

Areas inspected/audited: Retail area / Stock room / Production / Other \_\_\_\_\_  
 Records examined: Invoices / Specifications / Labels / Other \_\_\_\_\_  
 Samples taken: **Yes** / No Will be submitted to the Public Analyst, if adverse you will be notified

**Further action to be taken by the officer:**

None / advice / revisit / letter / formal notice / investigation / referral / unknown awaiting further information

Advice and guidance can be found at [www.businesscompanion.info](http://www.businesscompanion.info) and [www.food.gov.uk](http://www.food.gov.uk)

To provide feedback, report dissatisfactions with the Service received or to submit a freedom of information request, please visit [www.wyjs.org.uk](http://www.wyjs.org.uk)

Officer name J. Bethel Designation: Trading Standards Officer / Enforcement Officer  
 Officer signature \_\_\_\_\_ Date 3/11/17 Time 1450  
 Telephone number: 0113 393 9943 Email address Jason.Bethel@wyjs.org.uk



Premises name Mars a day

~~Q10~~

The following items have been seized from yourself as they don't comply with labelling requirements.

9x. marlboro Gold. (2c)

6x. mayfair blue (2c)

10x. Junco yellow (2c)

12x. John Player Gold leaf (2c)

9x. NZ Gold. (2c)

1x. LM Red. (2c).


8x. Richmond blue (2c).

(T) Stated that they are not his and does not want to sign over for destruction.

(A) does not know who the owner of these are.

Exhibit JLB/1:-

2x Thunder Rocket Fireworks.


 West Yorkshire  
Trading Standards  
Service

Identification Ref No:  
Case Exhibit No: SU/1  
Name:  
Description:  
2x Thunder Rocket  
Fireworks

Event Date (Serial Produced):  
10/15 - 25/11/17

Where Bought/Produced:  
Corner Self Store  
1A Mars A Day  
274 Lumb Lane, Bradford

Serial Produced By (BLOCK LETTERS):  
JASON BETHELL

Signed: 

Sample Number:  
108405





Exhibit JLB/2.

55 Packets of 20 Cigarettes.  
in black plastic bag.



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# APPENDIX 3



Bradford District Police Licensing  
5<sup>h</sup> Floor  
Sir Henry Mitchell House  
Bradford  
BD5 0QL

Telephone: 01274 373848  
Email:  
[kevin.lord@westyorkshire.pnn.police.uk](mailto:kevin.lord@westyorkshire.pnn.police.uk)

Date: 2<sup>nd</sup> January 2018.

Bradford Council  
Licensing Department  
3rd floor  
Britannia House  
Bradford.

**Premises review under Section 51 of the Licensing Act 2003 for the premises known as MARS A DAY, 274 LUMB LANE, BRADFORD.**

Sir/Madam.

*West Yorkshire Police wish to make a representation in regard to the above premises review which has been requested by West Yorkshire Trading Standards.*

The basis of the representation is as follows:

On **January 23rd 2017**, three Police Officers attended the Mars a Day shop on Lumb Lane, Bradford and carried out a voluntary search. A large quantity of counterfeit cigarettes were discovered.

Officers re-attended the Mars a Day store on **9th February 2017** and once again found counterfeit cigarettes.

On **10th August 2017**, the manager of Mars a Day was arrested by the Police and admitted the offence of possession of cannabis found at the shop.

On **20th October 2017** the manager arrested for criminal damage and admitted the offence at Court.

On **30th October 2017**, Officers attended Mars a Day shop after a call regarding fireworks being lit in the shop and let off into the main road outside. The manager and another male were dealt with for this offence under S80 of the Explosives Act. Both males were working in the shop at the time and according to the Officer were heavily in drink.

The manager of the shop is clearly not a suitable person to be running a Licenced Premises. He, and the premises appear to have a total disregard for the law and the four licensing objectives, namely:

**The prevention of crime and disorder.**  
**Public safety.**  
**The prevention of public nuisance.**  
**The protection of children from harm.**

The Premises Licence Holder and DPS is Mr Stephen HOSKIN. West Yorkshire Police are concerned regarding his management and subsequent involvement in the running of these premises.

**We request that consideration be given to revoking the Premises Licence. If the Licence is not revoked, we request that Mr Hoskins is removed as the Designated Premises Supervisor.**

Yours sincerely,

PC2730 LORD  
Bradford District Licensing Officer

# 11. Reviews

## The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## **Repetitious grounds of review**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

## **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

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<sup>10</sup> See chapter 15 in relation to the licensing of live and recorded music.



## Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 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.

## **Review of a premises licence following closure order**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

## **Review of a premises licence following persistent sales of alcohol to children**

11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.



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