



## **Agenda for a meeting of the Bradford District Licensing Panel to be held on Friday, 2 March 2018 at 11.30 am in Committee Room 5 - City Hall, Bradford**

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

<b>LABOUR</b>	<b>INDEPENDENT</b>
<b>M Slater Jamil</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:**

Michael Bowness  
Interim 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. MOOR STORES, 90 LEEDS OLD ROAD, BRADFORD**

1 - 50

The Assistant Director Waste, Fleet and Transport Services will present a report (**Document “N”**) which outlines an application for review of a Premises Licence authorising the sale of alcohol at Moor Stores, 90 Leeds Old Road, 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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*City of*  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

## **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of Bradford District Licensing Panel to be held on 2 March 2018.**

**N**

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### **Subject:**

**Application for a Review of a Premises Licence for Moor Stores, 90 Leeds Old Road, Bradford, BD3 8JF.**

### **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**

Moor Stores, 90 Leeds Old Road, Bradford, BD3 8JF.

### **2.2 Premises Licence holder**

Mr Harpal Singh Kang.

### **2.3 Designated Premises Supervisor**

Mr Harpal Singh Kang.

A copy of the Licence is attached at Appendix 1.

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

#### **Responsible Authority**

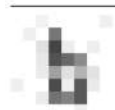
Intelligence was received by West Yorkshire Trading Standards Service (WYTSS) which indicated that the premise was selling illegal tobacco and supplying age restricted products to minors.

On 1 December 2015, a WYTSS officer witnessed the sale of a packet of cigarettes to a minor as part of a wider test purchase operation. WYTSS conducted interviews with both the seller and the owner and as they couldn't supply evidence of due diligence, the owner of the business, Mr Paul Singh was given a caution.

WYTSS also carried out test purchasing at the business on 12 July 2016, 2 August 2016 and 16 August 2016 in response to complaints that the premises was dealing in illegal tobacco. A packet of illegal tobacco was sold on each date.

On 2 September 2016, WYTSS officers found 720 sticks of illegal cigarettes behind the counter. These were signed over and an infringement report was sent to the owner.

WYTSS continued to receive complaints about the business and on 13 July 2017, WYTSS officers found 3180 sticks of illegal cigarettes behind the counter.



West Yorkshire Trading Standards considers the above matters to be extremely serious and therefore recommend revocation of the licence.

The application for review is attached at Appendix 2.

### **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 3.

**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) 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**

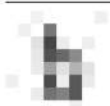
When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 3.1 of this report.

**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 8 January 2018.
- 3. Extract from the Government Guidance.



**12. BACKGROUND DOCUMENTS**

Application form, plan etc.



**Licensing Act 2003 - Premises Licence****Licence No: 072489****Date Issued: 7 February 2017****Part 1 - Premises Details**

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

**Moor Stores**

90 Leeds Old Road, Bradford, BD3 8JF

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

DATE FIRST GRANTED - ANNUAL FEE DATE

Licensing Act 2003 Fees Regulations 2005

3 October 2005

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

Mon 08:00-23:00  
 Tue 08:00-23:00  
 Wed 08:00-23:00  
 Thu 08:00-23:00  
 Fri 08:00-23:00  
 Sat 08:00-23:00  
 Sun 10:00-22:30  
 Good Friday 08.00-22.30  
 Christmas Day 12.00-15.00  
 Christmas Day 19.00-22.30

THE OPENING HOURS OF THE PREMISES

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 Harpal Singh Kang  
90 Leeds Old Road, Bradford, BD3 8JF

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 Harpal Singh Kang  
90 Leeds Old Road, Bradford, BD3 8JF

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: BD/PER0483

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.

#### Embedded Conditions

The restrictions on permitted hours do not prohibit:

(a) During the first twenty minutes after permitted hours, the taking of alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;

(b) The ordering of alcohol to be consumed off the premises or the despatch by the vendor of the alcohol so ordered;

(c) The sale of alcohol to a trader or club for the purposes of the trade or club;

(d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the supply or sale of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's Naval, Military or Air Forces

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

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

**All Four Licensing Objectives**

None.

**The Prevention Of Crime And Disorder**

None.

**Public Safety**

None.

**The Prevention Of Public Nuisance**

None.

**The Protection Of Children From Harm**

None.

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

Not applicable

## Licensing Act 2003 - Premises Licence Summary

### Licence No: 072489

Date Issued: 7 February 2017

#### Premises Details

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

#### Moor Stores

90 Leeds Old Road, Bradford, BD3 8JF

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

DATE FIRST GRANTED - ANNUAL FEE DATE

Licensing Act 2003 Fees Regulations 2005

3 October 2005

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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Christmas Day 12.00-15.00  
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THE OPENING HOURS OF THE PREMISES

WHERE THE LICENCE AUTHORISES 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 Harpal Singh Kang  
90 Leeds Old Road, Bradford, BD3 8JF

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

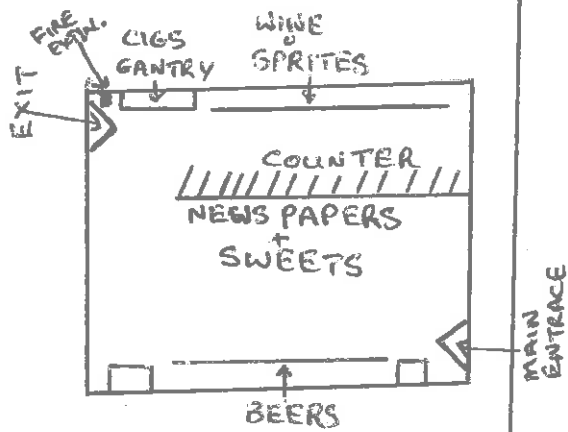
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Harpal Singh Kang

WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

No restrictions.





LEEDS OLD ROAD.

SCALE:-  
1cm:1 meter



# 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

**Postal address of premises or, if none, ordnance survey map reference or description**

Moor Stores, 90 Leeds Old Road

**Post town** Bradford

**Post code (if known)** BD3 8JF

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

Harpreet Singh Kang

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

LICENSING

0 8 JAN 2018

#### 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                                  | <input type="checkbox"/> |
| b) | a body representing persons living in the vicinity of the premises               | <input type="checkbox"/> |
| c) | a person involved in business in the vicinity of the premises                    | <input type="checkbox"/> |
| d) | a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

- 2) a responsible authority (please complete (C) below) X
- 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**

**Please tick yes**

**I am 18 years old or over**

☐

**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:

The retail premises, Moor Stores, 90 Leeds Old Road, BD3 8JF was known to West Yorkshire Trading Standards Service (WYTSS). Intelligence received by WYTSS indicated that the business was dealing in illegal tobacco and supplying age restricted products to minors. Both these actions risks the health of many local citizens whilst subsequently depriving the exchequer of duty.

On the 1<sup>st</sup> December 2015, a WYTSS officer witnessed the sale of a packet of cigarettes to minor as part of a wider test purchase operation. WYTSS conducted interviews by letter with both the seller and the owner and as they couldn't provide sufficient evidence of due diligence, the owner of the business, Mr Paul Singh was given a caution.

Having received complaints that Moor Stores was dealing in illegal tobacco, WYTSS carried out test purchasing at the business on the 12/07/2016, 02/08/2016 and 16/08/2016 and was each time sold a packet of illegal tobacco.

On the 02/09/2016 WYTSS officers entered and found 720 sticks of illegal

cigarettes behind the counter. These were signed over and an infringement report was sent to the owner.

WYTSS continued to receive complaints about the business and on the 13/07/2017 WYTSS officers entered and found 3180 sticks of illegal cigarettes behind the counter.

The proceeds of course all going to the trader with no duty being paid.

The owner of this store has supplied illegal tobacco products and has shown 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.

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 Paul Singh as the Premises Licence Holder and the DPS.

- 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

03-01-18

Capacity

HEAD OF SERVICE

**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.



**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:

Babul Hussain

Noreen Akhtar

Lee Swift

Copy of sign over 02/09/16

Copy of Code B Notice of Powers and Rights 02/09/16

Copy of sign over 13/07/2017

Copy of Code B Notice of Powers and Rights 13/07/2017

Signed caution Mr Paul Singh



Day Month Year

[illegible]

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

**Statement of:** Babul Hussain

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

**Occupation:** Regulatory Compliance Officer

This statement (consisting of 1 page 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:** 12/10/2017


**Signature:** .....

I am a Regulatory Compliance Officer employed by West Yorkshire Trading Standards (WYTS). I am an authorised officer for the purposes of The Children and Young Persons Act 1933 (as amended).

On 1<sup>st</sup> December 2015 I witnessed the sale of 10 Mayfair cigarettes to a child test purchaser at the premises of Moor Stores, 90 Leeds Old Road, BD3 8JF, by Satvinder Singh, which is a violation of the requirements of the following legislation: The Children and Young Persons Act 1933 (as amended). Mr Paul Singh as the owner of the business was given a formal caution as a result of the sale.

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

B4.0.9a

(Signed)  .....

Dated.....12/10/17..... Page 1 of 1  
010911






Statement of:

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

Occupation:

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:

Signature  .....

I am employed by West Yorkshire Trading Standards service as an Enforcement Officer. I am an authorised officer for the provisions of the Trade Marks Act 1994, Tobacco & Related Products Regulations 2016, The Standardised Packaging of Tobacco Products Regulations 2015 and The Consumer Rights Act 2015.

On Friday 2<sup>nd</sup> September 2016 I entered the premises of Moor Stores, 90 Leeds Old Road, Bradford, with my colleagues Ian NEWBURY and Babul HUSSAIN.

The lady in the shop identified herself as **Surinder KAUR** D.O.B 06/09/1948 and stated she lived at the back of the shop. As I was filling out the relevant paperwork to hand to her KAUR removed a carrier bag from under the counter and stepped through door adjacent to the counter and returned without the bag.

I handed KAUR the paperwork and asked her to return this bag to where it was. KAUR After a lot of hesitation KAUR returned the bag. On inspection this bag was found to contain various brands of illicit tobacco.

KAUR signed over the rights of the goods to Trading Standards for destruction.

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

(Signed)  .....

Dated  .....



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

Following further complaints I attended Moor Stores, 90 Leeds Old Road, Bradford on the 13<sup>th</sup> of July 2017. On this date **Satvinder KAUR** D.O.B 14/01/1975 was present. After a search of the premises a quantity of various branded illegal tobacco was found, this was forfeited for destruction by Trading Standards.



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

B4.0.9a

(Signed) .....

Dated.....10/11/17.....

Page 2 of 2

010911

**WITNESS STATEMENT**

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

**Statement of:** LEE ANTHONY SWIFT

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

**Occupation:** REGULATORY COMPLIANCE OFFICER

This statement (consisting of    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:** 9<sup>th</sup> November 2017

**Signature:** .....

I am a Regulatory Compliance Officer employed by West Yorkshire Trading Standards Service. I am an authorised officer for the provisions of the Trade Marks Act 1994, Tobacco & Related Products Regulations 2016 and The Standardised Packaging of Tobacco Products Regulations 2015.

On the 12<sup>th</sup> July 2016 along with my colleague Babul Hussain I participated in a test purchasing operation of tobacco products in the Bradford district. At 12:35 I entered the shop Moor Stores, Leeds Old Road. I asked the woman behind the counter for cheap tobacco. She said she had Amber Leaf for £3.50 in which I replied yes. She reached under the counter and produced a packet of 50g Amber Leaf and I paid her £3.50. The woman was Asian heritage, spoke with a local accent, approximately 5' 4", slim, with black hair and had what appeared to be a birth mark. I then left the premises. I sampled the packet of Amber Leaf under 108170 and placed in evidence bag M07605588.

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

(Signed) .....

Dated 09.11.17 ..... Page 1 of 2  
010911

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

On the 2<sup>nd</sup> August 2016 along with my colleague Ian Newbury I participated in a test purchasing operation of tobacco products in West Yorkshire. At 13:30 hours I entered the shop, Moor Stores, Leeds Old Road, Bradford. Woman in the shop was the same as the one who was working when I visited on 12<sup>th</sup> July 2016. I asked her for Amber Leaf. She went into a room at the side of the counter and returned with a packet of 50g Amber Leaf hand rolling tobacco and I paid her £3.50. I left the shop and on closer inspection the packaging did not have health warnings in English and I suspected it was counterfeit. I sampled the tobacco under 108173 and placed it in evidence bag M08307533.

On the 16<sup>th</sup> August 2016 at 08:35 hours I entered the premises Moor Stores, Leeds Old Road, Bradford. Working behind the counter was an older woman, approximately mid 60's, 5' 5", Asian, dark hair and wearing an Asian traditional dress. I asked the woman for some cheap Amber Leaf. She went under the counter and routed through some shopping bags and pulled out a 50g packet of Amber Leaf hand rolling tobacco. She sold it to me for £3.50. I then left the shop and on closer inspection the packaging of the tobacco did not bear warning signs in English and I suspected it to be counterfeit. I placed the product in evidence bag M09908500 and sampled under number 108073.

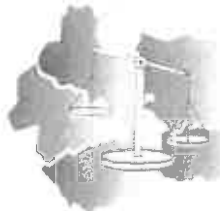
**NOTE : If statements are typed double spacing should be used.  
One side only of this paper should be used.**

**B4.0.9a**

(Signed) .....

Dated.....09.11.17..... Page 2 of 2  
010911





# West Yorkshire Trading Standards Service

PO Box 5, Nepshaw Lane South, Morley, Leeds LS27 0QP  
Telephone: Leeds 0113 253 0241  
Fax: 0113 253 0311  
Email: info@wyjs.org.uk  
G. Hebblethwaite MTSI - Chief Officer

## NOTICE OF POWERS AND RIGHTS

ISSUED IN ACCORDANCE WITH PARAGRAPH 5.7 OF CODE B UNDER THE  
POLICE AND CRIMINAL EVIDENCE ACT 1984

Premise MOOR STORES  
Address 90 LEEDS OLD ROAD  
BRIDFORD.  
Name of Person Receiving Notice S KACIR

## INSPECTION USING STATUTORY POWERS

Under the Acts of Parliament listed below, an authorised Officer may, at all reasonable times and on production of his/her credentials if requested, enter any business premises and inspect any goods, and, if so authorised, inspect any weighing and measuring equipment.

This inspection visit is being carried out using statutory powers contained within the Acts indicated below. The Powers may vary between each Act.

- |  |  |
|--|--|
| <input type="checkbox"/> Agriculture Act 1970                    | <input type="checkbox"/> Prices Act 1974                 |
| <input type="checkbox"/> Consumer Credit Act 1974                | <input type="checkbox"/> Trade Descriptions Act 1968     |
| <input checked="" type="checkbox"/> Consumer Protection Act 1987 | <input checked="" type="checkbox"/> Trade Marks Act 1994 |
| <input type="checkbox"/> Fair Trading Act 1973                   | <input type="checkbox"/> Video Recordings Act 1984       |
| <input type="checkbox"/> Food Safety Act 1990                    | <input type="checkbox"/> Weights and Measures Act 1985   |
| <input type="checkbox"/> Hallmarking Act 1973                    | <input type="checkbox"/>                                 |

The Officer is also authorised under the other statutes listed on his/her warrant card.

If during the inspection the Officer has reason to suspect that an offence may have been committed, then (s)he may wish to exercise additional statutory powers. Some of these additional powers have been summarised, as far as practicable, on the reverse of this Notice, together with a summary of your rights.

OFFICER IN CHARGE OF INSPECTION N AKHTAR  
OTHER OFFICERS OR PERSONS PRESENT I NEWBURY  
B HUSSAIN

DATE 02/09/2016 TIME \_\_\_\_\_ am/pm

## CONSENT TO USE EQUIPMENT

With your permission, I wish to make use of equipment held on the premises, namely a till, scanner or other similar equipment, for the purpose of checking prices. You are not obliged to give consent and you must understand that any information produced may be used in evidence in any court proceedings.

I HEREBY CONSENT TO THE OFFICERS NAMED ABOVE USING EQUIPMENT HELD ON THESE PREMISES. I HAVE READ AND UNDERSTOOD THE WARNING ABOVE.

SIGNATURE \_\_\_\_\_


NAME (CAPITALS) \_\_\_\_\_ AGE \_\_\_\_\_

STATUS RELATIVE TO PREMISES \_\_\_\_\_



Nepshaw Lane South, Morley, Leeds, LS27 7JQ  
t: 0113 253 0241  
www.wyjs.org.uk/tradingstandards

This matter is being dealt with by:  
Tel: 0113 393 9861

  
Email: *nooreen.akkhar@wyjs.org.uk* *50190*

**Consumer Rights Act 2015 - Entry Notice**

To: *S Kaur*

Date: *02/09/2016*

Address: *MICHAEL'S  
90 Old Leeds Road  
Bradford*

This notice is given in compliance with:

Paragraph 23(6) of Schedule 5 to the Consumer Rights Act 2015 which requires written notice to the occupier (if present) when entering commercial premises.

**Purpose of entry: Inspection of products, equipment and documentation.**

Details of why entry is necessary: to carry out an inspection to check compliance with consumer legislation the officer (stated below) is authorised to enforce as detailed in schedule 5 of the Consumer Rights Act 2015 or to ascertain compliance with an undertaking or to ascertain whether goods are liable to be forfeit.

**Obstruction offence:** Obstructing a duly authorised officer is an offence. Obstruction includes where a person intentionally obstructs an officer; intentionally fails to comply with instructions given by an officer; without good reason fails to give an officer assistance or information reasonably required; makes a statement or a reckless statement which they know is false or misleading.

Signed:   
(Authorised officer)

Print Name: *Nooreen Akkhar*

~~Trading Standards Officer~~ Enforcement Officer





West Yorkshire  
Trading  
Standards Service

West Yorkshire Joint Services

West Yorkshire Trading Standards Service

P.O. Box 5, Nephshaw Lane South, Morley, Leeds LS27 0QP

Tel: Leeds (0113) 253 0241 Fax: Leeds (0113) 253 0311

info@wyls.org.uk

www.ts.wyls.org.uk

0234 5

FORFEITURE

NAME

DATE

ADDRESS

DATE OF BIRTH

The following items have been forfeited under the provision of The Trade Marks Act 1994 / or

Signed  
(Authorised Officer)

I hereby declare that I give up my rights to the property listed above and agree to the West Yorkshire Trading Standards Service taking possession of the said property and disposing of it as they think fit.

Signed





### Notice of Powers and Rights

Issued in accordance with paragraph 6.7 of Code B under the Police and Criminal Evidence Act 1984

Premises/Limited Company Name: **MOOR STORES**  
 Address: **90 LEEDS OLD ROAD, BRADFORD. BD3 8JF**  
 Name of Person Receiving the Notice: **SATVINDER KAUR** **14/07/15**  
 Officer in Charge: **P. KEAR**  
 Date of Search: **13/07/17** Time Commenced: **11:10** Time Concluded:

**Purpose of Search:** Consent / Exercise of Powers/ Warrant

#### Legislation

- |  |   |
|--|---|
| <input type="checkbox"/> Agriculture Act 1970                | <input checked="" type="checkbox"/> Trade Marks Act 1994                          |
| <input type="checkbox"/> Consumer Credit Act 1974            | <input type="checkbox"/> Video Recordings Act 1984                                |
| <input checked="" type="checkbox"/> Consumer Protection 1987 | <input type="checkbox"/> Weights and Measures Act 1985                            |
| <input type="checkbox"/> Fair Trading Act 1973               | <input checked="" type="checkbox"/> Consumer Rights Act 2015                      |
| <input type="checkbox"/> Food Safety Act 1990                | <input type="checkbox"/> Consumer Protection from Unfair Trading Regulations 2008 |
| <input type="checkbox"/> Hallmarking Act 1973                | <input type="checkbox"/> Other  |
| <input type="checkbox"/> Prices Act 1974                     |   |

#### Consumer Rights Act 2015

Entry is necessary to carry out an inspection to check compliance with consumer legislation the officer stated is authorised to enforce as detailed in schedule 5 of the Consumer Rights Act 2015 or to ascertain compliance with an undertaking or to ascertain whether goods are liable to be forfeited.

#### Search by Consent – Searches not included in statutory powers

Areas Officers are consented to search:

I confirm that I am consenting to the search for the purpose of:

I am aware that I am not obliged to consent, that I can withdraw my consent at any time. Anything that Officers discover can be seized in evidence.

Name of person:

Designation:

Signature:

Time:

Reason consent withdrawn:

Time:

#### Consent to Use Equipment

I consent to the above named Officer making use of equipment held on the premises, namely a till, scanner or other similar equipment, for the purpose of checking prices. I am aware that I am not obliged to give consent and understand that any information produced may be used in evidence in court proceedings.

Name of person:

Designation:

Signature:

Time:





2000

GOVERNMENT OF CANADA  
PARLEMENT DU CANADA

DATE \_\_\_\_\_

DATE OF BIRTH

100

The following items have been forfeited under the provision of The Trade Marks Act 1994 / or

Handwritten signature or mark.

888

8070-76-0

5050

100

3000

2850

86-100

54

38

080

1980

2000

18

**Signed** .....  
**(Authorised Officer)**

3000

I hereby declare that I give up my rights to the property listed above and agree to the West Yorkshire Trading Standards Service taking possession of the said property and disposing of it as they think fit.

**Signed**



10/02/15  
FORFEITURE

NAME

DATE

DRESS

DATE OF BIRTH

following items have been forfeited under the provision of The Trade Marks Act 1994 / or

2 x 20 1004 Ford

1 x 20 Director

2 x 20 1004 Ford

2 x 20 1004 Ford

2 x 20 1004 Ford

2 x 20 1004 Ford

2 x 20 1004 Ford

Signed .....  
(Authorised Officer)

Signed .....

rely declare that I give up my rights to the property listed above and agree to the West Yorkshire Trading  
Standards Service taking possession of the said property and disposing of it as they think fit.





# West Yorkshire Trading Standards

Nepshaw Lane South, Morley, Leeds, LS27 7JQ  
t: 0113 253 0241  
e: dutyofficer@wyjs.org.uk  
www.wyjs.org.uk/tradingstandards



## SIMPLE CAUTION

Case Reference 018814

Offender's NAME: Mr Paul Singh

ADDRESS: 90 Leeds Old Road  
Bradford  
BD3 8JF

DATE OF BIRTH: 07/02/1947

Date of Offence: 1 December 2015

Place of Offence: Moor Stores, 90 Leeds Old Road, Bradford

### Brief circumstances of Offence:

t/a Moor Stores, 90 Leeds Old Road, Bradford, did sell to Adil Akhtar, a person under the age of 18, namely 15 years, 10 Mayfair cigarettes, contrary to the Children and Young Persons Act 1933 Section 7(1).

### Declaration

I hereby declare that I admit the offence described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. Where relevant, my details can be provided to the aggrieved party should they wish to take civil proceedings in relation to this matter. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law.

Signed:

Date:

15/4/16

Signed:

Date:

19/04/16

Head of Trading Standards

8

# 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.

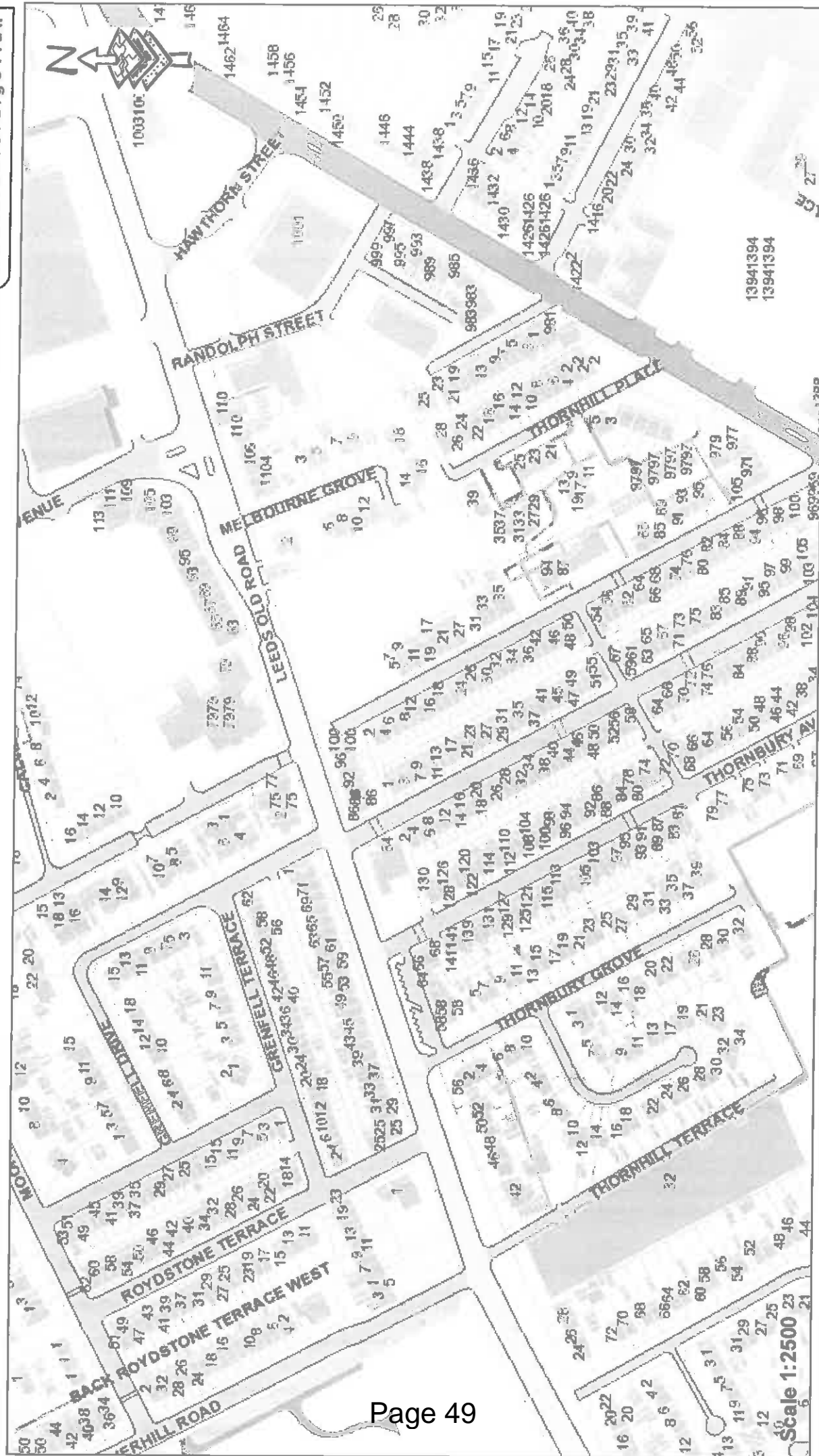
## **Review of a premises licence following closure order**

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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