

# 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
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<b>Number of premises licence or club premises certificate (if known)</b> <del>20383T</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

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

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

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.  
One side only of this paper should be used.

**(Signed)** .....

**Dated** 1/12/17 ..... **Page 1 of 2**



**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) ..** .....

**Dated**.....1/12/17.....

**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

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(Signed) .....

Dated 20/11/17 Page 1 of 2

**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 .....

Dated

20.11.17

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**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, Flavours, 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

~~Q to~~

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.

