

**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 Sam McConnell,

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description MZ Newsagents Ltd trading as Bank Street News 45A Bank Street	
Post town Rawtenstall	Post code (if known) BB4 7QN

Name of premises licence holder or club holding club premises certificate (if known) Mr Jenishkumar Rameshbhai Patel
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Number of premises licence or club premises certificate (if known) 21/00233/LAPRE3
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Part 2 - Applicant details

I am

Please tick yes

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

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town	<input type="text"/>	Post Code	<input type="text"/>
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Daytime contact telephone number	<input type="text"/>
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E-mail address (optional)	<input type="text"/>
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(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

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

PREVENTION OF CRIME AND DISORDER / PROTECTION OF CHILDREN FROM HARM

14/08/20 – Complaint received from a member of the public who stated that they went into the shop to purchase Amber Leaf tobacco, and was sold a packet which contained foreign text and was not in plain packaging as required by law. The complainant alleged that they were told that it was genuine but had no tax paid, and they were told to take it quickly and put it in their pocket.

13/02/22 – Complaint received from a member of the public, via Lancashire Police. The complainant claimed to have been sold a pack of Amber Leaf tobacco with foreign text and was not in plain packaging. They stated that they returned to the shop afterwards to complain that they believed the tobacco to be fake, and was threatened that they would be 'beaten up' if they reported the matter.

22/02/22 – Test purchase attempted by Trading Standards. No sale made.

14/06/22 – Trading Standards and Police attended the shop and carried out an inspection. Mr Jenishkumar Rameshbhai Patel was present. 17 packs of Amber leaf tobacco, 19 packets of Richmond cigarettes, 2 packets of Marlboro cigarettes, 4 packets of B&H cigarettes, 4 packets of L&B cigarettes, and 4 packets of Flandria cigarettes were discovered and seized, as they were not in plain packaging, did not contain the correct health warnings and picture warnings, and were suspected to be counterfeit. 294 improperly labelled e-liquids were also seized from the shop.

RELEVANT INFORMATION

- Supplying (including possessing for supply) tobacco products bearing trademarks without the consent of the proprietor of the mark (counterfeit) is an offence contrary to the Trade Marks Act 1994;
- Supplying (including possessing for supply) tobacco products which are not in plain packaging is an offence, contrary to the Standardised Packaging of Tobacco Products Regulations 2015;
- Supplying (including possessing for supply) tobacco products that do not display compliant health warnings is an offence, contrary to the Tobacco and Related Products Regulations 2016;
- Improperly marked tobacco products deny consumers valuable information about the dangers of smoking. Counterfeit tobacco is normally sold much cheaper than its genuine counterparts – typically half the price – which undermines price-based strategies to prevent smoking by making it more accessible to adults and children. Cut price tobacco presents unfair competition to legitimate retailers in the area and typically deprives the taxman of £6.17 for cigarettes and £11.30 for hand rolling tobacco, in terms of lost duty and VAT. In the case of counterfeit products, there is a further risk in that unlike their genuine counterparts, there are no controls over what goes into making them or on the levels of harmful substances they might contain. These products have also been found not to comply with requirements to self extinguish if left unattended.

Paragraphs 11.27 & 11.28 of 'The Revised Guidance issued under Section 182 of The Licensing Act 2003' (Home Office April 2018) states that:

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

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

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

The following options are available to the committee:-

- 1) Do nothing;
- 2) Modify the conditions of the licence;
- 3) Exclude a licensable activity from the scope of the licence;
- 4) Remove the Designated Premises Supervisor;
- 5) Suspend the licence for a period not exceeding three months;
- 6) Revoke the premises licence so that no alcohol can be sold at all.

In the opinion of Lancashire County Council Trading Standards Service, the information presented in the application is clear evidence that the Prevention of Crime and Disorder licensing objective has been disregarded at these premises.

Notwithstanding any further information being provided, Lancashire County Council Trading Standards respectfully requests that the committee considers whether revocation of the premises licence would be an appropriate finding in the circumstances.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature: S. McConnell.....

Date: 30th June 2022.....

Capacity: Principal Officer, Lancashire Trading Standards Service.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Lancashire County Council Trading Standards Service 4 th Floor, Lancashire Point County Hall Pitt Street	
Post town Preston	Postcode PR1 0LD
Number (if any) [REDACTED]	
If you would prefer us to correspond with you using an e-mail address, your e- [REDACTED]	

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.