

## **LICENSING ACT 2003 SUB-COMMITTEE**

TUESDAY, 10TH JULY 2018, 10.00 AM  
COUNCIL CHAMBER, TOWN HALL, CHORLEY

### AGENDA

#### **APOLOGIES**

##### **1 DECLARATIONS OF ANY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

##### **2 PROCEDURE**

(Pages 3 - 6)

General procedure points and hearing procedure for the meeting.

##### **3 REVIEW OF PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF WELDBANK STORE AND OFF LICENCE, 46 WELDBANK LANE CHORLEY, PR7 3NQ**

(Pages 7 - 46)

Report of Director (Customer and Digital) enclosed.

##### **4 ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR**

GARY HALL  
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Licensing Act 2003 Sub-Committee Councillor Marion Lowe (Chair) and Councillors Doreen Dickinson and Adrian Lowe.

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**CHORLEY BOROUGH COUNCIL****LICENSING ACT 2003  
SUB-COMMITTEE****GENERAL PROCEDURE POINTS FOR HEARINGS****INTRODUCTION**

The Licensing Act 2003 Sub-Committee will conduct hearings in accordance with the following general principles:

- All parties have a right to a fair hearing.
- Decision-making will be conducted in an open, transparent and accountable way.
- Each application will be determined on its own merits and the decision will be based upon:
  - the merits of the application
  - the promotion of the four licensing objectives
  - the Council's Statement of Licensing Policy
  - the Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003
- the Licensing Authority will only permit licensing decisions to be taken by Sub-Committee consisting of three members. In the event of one member being unable to attend, the Licensing authority will use its best endeavours to substitute another member, taken from the membership of the Licensing Act 2003 Sub-Committee reserve list.
- the Sub-Committee may disallow cross-examination in exceptional circumstances; this decision will be taken on a case by case basis with a presumption to allow. However, parties are advised that the Sub-Committee wishes to discourage hostile cross examination.
- late representations and evidence will usually only be considered with the agreement of all parties present.
- decisions will generally be taken regardless of whether the applicant/other party is present unless the Sub-Committee consider it necessary in the public interest to adjourn the hearing to a specified date. All notices and representations from absent parties will be considered.
- the Sub-Committee will generally allow parties a maximum of 30 minutes per party to make all relevant Statements. However, the Sub-Committee recognises that in certain circumstances this may be insufficient due to the complexity of the issues involved. In this situation the Sub-Committee will consider representations from those parties involved in the hearing as to the length required to make all relevant statements. The Licensing Authority respectfully requests that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.
- the Sub-Committee recognises that Regulation 14 requires all hearings should take place in public unless the licensing authority "considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public" in which the applicant, those assisting the applicant or other interested parties can be excluded. In the absence of any criteria in the Licensing Act 2003, the guidance issued

under section 182 of the Act or the licensing Regulations, the Licensing Authority has adopted the existing criteria in Schedule 12A of the Local Government Act 1972 for excluding the press and public. The public and press will be excluded when the Sub-Committee is considering an application for a personal licence, where Lancashire Police have lodged an objection notice due to an existing relevant offence(s). Generally, the public and the applicant will be excluded when the Sub-Committee is determining a decision. Once a decision has been made all parties will be readmitted and the Chair will announce the decision and give reasons.

- all parties will be notified of the decision in accordance with any periods set down by the
- Licensing Act 2003 or where none are prescribed within 5 working days.
- the Sub-Committee has the right to exclude any parties behaving in a disruptive manner at the hearing at its own discretion.

**HEARING PROCEDURE****REVIEW OF PREMISES LICENCE****1. CHAIR OF SUB-COMMITTEE**

- Opens meeting
- Introduces Members and Officers
- Confirms details of all parties in attendance
- Outlines procedure to be followed

**2. LICENSING OFFICER OUTLINES APPLICATION AND RELEVANT REPRESENTATIONS****3. QUESTIONS TO LICENSING OFFICER FOR CLARIFICATION FROM:**

- Sub Committee
- Applicants (Lancashire Police and Trading Standards)
- Relevant representations – interested parties
- Premises Licence holder or representative

**4. APPLICANT OR REPRESENTATIVE OUTLINES APPLICATION (LANCASHIRE POLICE AND TRADING STANDARDS)****5. QUESTIONS TO THE APPLICANT AND WITNESSES (LANCASHIRE POLICE AND TRADING STANDARDS) FROM:**

- Sub Committee
- Relevant representations – interested parties
- Premises Licence holder or representative.

**6. RELEVANT REPRESENTATIONS – INTERESTED PARTIES****7. QUESTIONS TO THE RELEVANT REPRESENTATIONS – INTERESTED PARTIES FROM:**

- Sub Committee
- Applicants or representative (Lancashire Police and Trading Standards)
- Premises Licence holder or representative

**8. PREMISES LICENCE HOLDERS REPRESENTATIONS**

- Premises Licence Holder (or representative) will present their case

**9. QUESTIONS TO THE PREMISES LICENCE HOLDER AND WITNESSES FROM:**

- Sub-Committee
- Applicants or representative (Lancashire Police and Trading Standards)
- Relevant representations – interested parties

**10. APPLICANTS OR REPRESENTATIVE TO SUM UP (LANCASHIRE POLICE AND TRADING STANDARDS)****11. RELEVANT REPRESENTATIONS – INTERESTED PARTIES TO SUM UP****12. PREMISES LICENCE HOLDER OR REPRESENTATIVE TO SUM UP**

**13 DECISION MAKING**

- All parties retire whilst Sub-Committee makes decision

**14 NOTICE OF DECISION**

- Parties re-admitted and Chair announces decision and reasons



Report of	Meeting	Date
Director of Customer and Digital	Licensing Act 2003 Sub Committee	10 <sup>th</sup> July 2018

## REVIEW OF PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF WELDBANK STORE AND OFF LICENCE, 46 WELDBANK LANE, CHORLEY, PR7 3NQ (PLA0265)

### PURPOSE OF REPORT

- For Licensing Act 2003 Sub-Committee Members to determine the outcome of an applications submitted by Lancashire Constabulary and Lancashire County Council Trading Standards to review the above premises licence

### RECOMMENDATION(S)

- Members are recommended to consider the details contained in this report and any representations received by the premises licence holder PLA0265 and/or his representative to determine if any action is appropriate.

### EXECUTIVE SUMMARY OF REPORT

- On the 24<sup>th</sup> of May 2018 an application for a review of the premises licence under the Licensing Act 2003 was received from Lancashire Constabulary acting in their capacity as a Responsible Authority. On the 25<sup>th</sup> of May 2018 an application to review and support the police application was received from Lancashire County Council Trading Standards. The reason for these applications is given under the licensing objective for: The Prevention of Crime and Disorder, in that the premises were found to be involved in the sale of illicit tobacco and lack of control of the premises.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	<b>X</b>	An ambitious council that does more to meet the needs of residents and the local area	

### BACKGROUND

- On the 24<sup>th</sup> and 25<sup>th</sup> of May 2018 applications for a review of the premises licence under the Licensing Act 2003 where received from Lancashire Constabulary and Lancashire County Council Trading Standards acting in their capacity as Responsible Authorities. The applications are attached. **See Appendix 1 & 2**

6. In addition to the application for review submitted by trading standards they also submitted supporting evidence in the form of a statement supplied by one of the attending officers, notice of power and rights of entry, a visit report and a picture of the goods found at the premises. **See Appendix 3, 4, 5 & 6**
7. Mr Ramesh Karsan Varsani is the current holder of PLA265. The premises licence is also attached **See Appendix 7.**
8. As required the Responsible Authorities were informed of the Review Applications as required under the Licensing Act 2003.
9. On the 24<sup>th</sup> of May 2018 a Notice of review of the premises licence was posted at the site for a period of 28 days during which representations could be made. **See Appendix 8 & 9**
10. None of the other Responsible Authorities or any other interested parties have submitted a representation during the consultation period other than the two stated. An email was received from the police on the 22<sup>nd</sup> of June 2018 asking for an email from a Weldbank Store member of staff to be added to the review file on behalf of the police. **See Appendix 10**
11. The reason given to review the premises licence is undermining the Licensing Objectives for The Prevention of Crime and Disorder. **See Appendix 1.** The grounds of the application for review are stated as this venue is the source of Trading Standards offences which undermines the Licensing Objective Prevention of Crime and Disorder.
12. On the 8<sup>th</sup> May 2018 Lancashire County Council Trading Standards Officers attended the premises with the police. During this visit illicit goods were discovered.
13. Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and the Guidance issued by the Secretary of State under Section 182 of the Act.
14. The Licensing Authority shall determine the application, having considered the representations that have been made, and having regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under section 182 of the Act.
15. Section 52 of the Licensing Act 2003 is the authority the Licensing Sub-Committee can rely upon with regards to this matter which is reproduced below:
16. The Hearing is conveyed under the Licensing Act 2003 (Hearing) Regulations 2005.

Section 52 Determination of application for review of a Premises Licence

(1) This section applies where—

(a) the relevant licensing authority receives an application made in accordance with section 51,

(b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and

(c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section.

Subsections 11.1 and 11.2 of guidance issued under section 182 of the Licensing Act 2003 state:-

*'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.'*

17. Under Section 51 (1) of the Licensing Act 2003, a responsible authority or other party may apply to the licensing authority for the review of a licence. The grounds for review must relate to one or more of the licensing objectives, which are:

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

18. Paragraph 11.24 of the 182 guidance clearly stipulates:

*"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 authorities' 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".*

19. Paragraph 11.19 of the guidance states:

*"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);*
- 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."*

20. Paragraphs 11.25 to 11.28 of the 182 guidance cover the review process in further depth:-

*"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 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.”*

21. The Councils Statement of Licensing Policy 2016 – 2018 states;

**8.2 Review of licences**

8.2.1 The procedure for reviewing premises licences and club premises certificates represents a key protection for the community where there is evidence to show that a specific concern exists relating to one or more of the licensing objectives.

8.2.2 The Licensing Authority expects responsible authorities and other persons to give early notice to licence holders of any concerns about problems identified at premises and of the need for improvement. It is expected that requests for a review of any licence or certificate will be sought only if such interventions have failed to resolve the matter or problem.

8.2.3 Representations must be made in writing and must be relevant. They must not be vexatious, repetitious or frivolous.

**IMPLICATIONS OF REPORT**

22. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

**COMMENTS OF THE MONITORING OFFICER**

23. The powers available to the sub-committee are described in the body of the report.  
 24. The licence holder, the police and Lancashire County Council Trading Standards enjoy a right of appeal against the decision of the licensing authority to the local magistrates' court within 21 days of notice of the decision.

- 25. The duty of the sub-committee to have regard to any relevant representations, national guidance issued by the Home Office under Section 182 of the Licensing Act 2003 and also to the Council’s adopted licensing policy is referred to in the body of the report.
- 26. Aspects of the Human Rights Act 1998 are engaged, namely the right to a fair trial and the protection of property

ASIM KHAN  
 DIRECTOR CUSTOMER AND DIGITAL.

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
The Council’s Statement of Licensing Policy	2016 - 2021	***	<a href="#">The Council’s Statement of Licensing Policy</a>
Secretary of State Section 182 Guidance	April 2018		<a href="#">Secretary of State Section 182 Guidance</a>

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Chris Carney	5665	26/6/2018	***

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**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 PC 2388 Julie Stewart on behalf of the Chief Constable of Lancashire.  
*(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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Weldbank Store and Off Licence 46 Weldbank Lane,	
<b>Post town</b> Chorley	<b>Post code (if known)</b> PR7 3NQ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Ramesh Karsan VARSANI
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<b>Number of premises licence or club premises certificate (if known)</b> 0265
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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**

**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 Lancashire Constabulary Licensing Dept Operating Centre Lancaster Rd North Preston PR1 2SA
Telephone number (if any) 01772 209785
E-mail address (optional) julie.stewart@lancashire.pnn.police.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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review** (please read guidance note 1)

The application for review is submitted by the Lancashire Constabulary on the grounds that the licensing objectives relating to Crime and Disorder are not being promoted at this premise. In addition to this, there are also concerns about the poor management of the premise, the lack of concern regarding training of staff and concerns about the level of commitment of the Designated Premise Supervisor and Premise Licence Holder.

The circumstances are as follows:

At about 11:15 on Tuesday 8<sup>th</sup> May 2018 2015 Police and Trading Standards Officers attended the premise following information recieved that cheap, smuggled tobacco was being sold from the premise.

On attending the premise a female worker was spoken to and admitted to working at the premise and being responsible for selling the tobacco. The female behind the till also stated that she had received a call from the owner of the premise minutes before our arrival telling her to hide the tobacco and cigarettes. She had panicked and thrown it all into a bin bag along with some personal medication and cash made from the sale of the cigarettes before putting them in the stock room.

The female had not been given any permission by the DPS to sell alcohol.

78 packs of illegally imported cigarettes and rolling tobacco were seized from the shop from inside the bin liner with £148 cash and a number of tobacco order lists.

On 17<sup>th</sup> May 2018 Licensing Officers attended the premise to speak to the DPS. He

could not produce any staff training files, no refusal register and no authority for staff to sell alcohol in his absence.

Police are applying for this review as they have genuine concerns about the lack of control at the premise and believe that the premise is being used in criminal activity as a way of selling illegal products.

The Licensing Act 2003 requires a DPS to have a responsibility for the sale of alcohol and of the impacts on crime and disorder in the wider community. These responsibilities are not being fulfilled by the DPS.

In addition, S.182 Licensing Act guidance states that there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. One of these are the use of the licensed premises for the sale or storage of smuggled tobacco and alcohol.

The Police are looking for a revocation of the premise licence as it is believed that the premise licence holder appears to be full aware of the criminal activity taking place and is in fact promoting it at the premise.

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

**Please tick yes**

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

If yes please state the date of that application

Day Month Year

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

**Please tick yes**

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

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

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

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

Signature

.....

Date 24/05/18

.....

Capacity Licensing Officer

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**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.

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**THE LICENSING ACT 2003- REPRESENTATION FROM RESPONSIBLE  
AUTHORITY**

**LANCASHIRE COUNTY COUNCIL TRADING STANDARDS SERVICE**

**In the matter of the Licensing Review against Bunty's, 46 Weldbank Lane,  
Chorley PR7 3NQ.**

**Statement of:**

Michael Craig (Senior Trading Standards Officer)  
4<sup>th</sup> Floor Lancashire Point  
County Hall  
Pitt Street  
Preston  
PR1 0LD

Contact telephone number: 01772 533563

Mobile Number: 07876 790728

Email address: [michael.craig@lancashire.gov.uk](mailto:michael.craig@lancashire.gov.uk)

- I am Michael Craig, Senior Trading Standards Officer, employed by Lancashire County Council Trading Standards Service in the Special Investigations team.
- I have delegated authority to exercise the County Council's powers and duties under relevant Trading Standards related Acts of Parliament and in this capacity to provide written and oral representations to the Licensing Appeal Hearing on behalf of the Lancashire County Council Head of Service for Trading Standards.
- Lancashire County Council Head of Service for Trading Standards supports the application made by Lancashire Constabulary to review the licence of Bunty's, 46 Weldbank Lane, Chorley PR7 3NQ, and supports the recommendation from the Police that the Chorley Council Licensing Committee considers the revocation of the premises licence.
- I make this statement using facts and matters within my own knowledge. Any facts and matters that are not within my own knowledge are true to the best of my knowledge and belief.

**1.0 Licensing Objectives:**

From a Trading Standards perspective, the licensing objective that is relevant to this statement is the prevention of crime and disorder.

**1.1 The Prevention of Crime and Disorder**

On 8<sup>th</sup> February 2018 Lancashire County Council Trading Standards Service received intelligence from Lancashire Constabulary which stated that Bunty's at 46 Weldbank

Lane, Chorley PR7 3NQ and Premier, 246 Moor Road, Chorley PR7 2NT were involved in the sale of illicit tobacco.

My attached statement (Appendix 1) identifies that on 8<sup>th</sup> May 2018 I attended both stores together with colleagues and a Police Officer. 78 illicit tobacco products were seized from the premises. These items did not possess the required health warnings on the packets, and no duty had been paid on them. The Regal, Richmond, L & B and Golden Virginia were all found to be counterfeit. Investigations are ongoing in relation to this seizure.

### **1.2 Relevant information – Prevention of Crime and Disorder**

- Supplying (including possessing for supply) tobacco products that do not display compliant health warnings is an offence, contrary to the Tobacco and Related Products Regulations 2016;
- Supplying (including possessing for supply) tobacco products bearing trademarks without the consent of the proprietor of the mark is an offence contrary to the Trade Marks Act 1994.
- The sale of smuggled tobacco products (non-duty paid) is an offence contrary to the Tobacco Products Duty Act 1979.

Paragraphs 11.27 & 11.28 of 'The Revised Guidance issued under Section 182 of The Licensing Act 2003' (Home Office April 2017) states that:

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

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

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

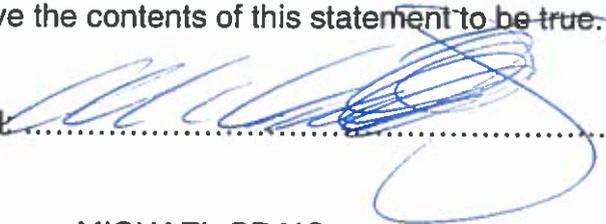
### **2.0 Summary**

Evidence presented highlights that Bunty's, 46 Weldbank Lane, Chorley PR7 3NQ has not complied with the licensing objective of prevention of crime and disorder, due to it possessing illicit tobacco products on 8<sup>th</sup> May 2018.

In light of this, and considering the guidance documented in 'The Revised Guidance issued under Section 182 of The Licensing Act 2003' (Home Office April 2017), I would support the Police recommendation that the Chorley Council Licensing Committee consider revocation of the premises licence for Bunty's, 46 Weldbank Lane, Chorley PR7 3NQ.

Statement of Truth-

I believe the contents of this statement to be true.

Signed  ..... Date: 24/05/18

Print name: MICHAEL CRAIG

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Lancashire County Council

**Statement of Witness**

(Criminal Procedure Rules, r27.1(1);  
Criminal Justice Act 1967, s9, Magistrates' Courts Act 1980, s5B)

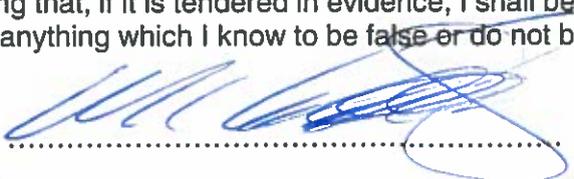
STATEMENT OF: MICHAEL JOHN CRAIG

Age of witness: Over 18

Occupation of witness: SENIOR TRADING STANDARDS OFFICER

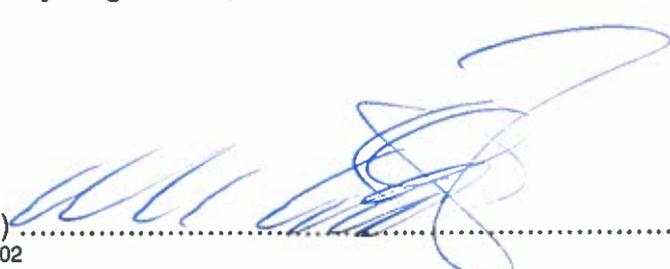
This statement (consisting of three pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 24<sup>th</sup> day of May 2018 (Signed) .....



I am employed by Lancashire County Council Trading Standards Service as a Senior Trading Standards Officer. On 8 May 2018, accompanied by my Trading Standards MARY HARWOOD, and DAVID JOHNNIE, and by a police officer, I inspected the shop trading as BUNTYS, 46 WELDBANK LANE, CHORLEY. Immediately prior to this inspection, my colleagues and I had inspected Premier at 246 Moor Road in Chorley, and it is believed the ownership of these shops is connected. On my entry into Bunty's I observed a female standing behind the counter. She later gave her name as KAREN COSTA. I introduced myself and my colleagues, and I gave her a Notice of Powers & Rights, reference 2150, a carbon copy of which I produce as exhibit **MJC/1**. I asked her to hand over the shop keys in order that I could secure the premise for the duration of my inspection. She gave her employer's name as Damesh Versami, who I later established to be RAMESH VARSANI. While my colleagues commenced their inspection duties, I asked Mrs Costa whether she had any illegal tobacco products on the premises. She immediately passed over a carrier bag which contained a sleeve of improperly labelled L&M cigarettes. She explained that her sister in law had just been in to the shop to drop these packs off, and that they were for personal use. She identified her sister in law as MANDIE, and she provided a phone number. I immediately rang Mandie, and she verified Mrs Costa's account.

(Signed) .....



LP/QR/32/02

Lancashire County Council

**Statement of Witness**

(Criminal Procedure Rules, r27.1(1);  
Criminal Justice Act 1967, s9, Magistrates' Courts Act 1980, s5B)

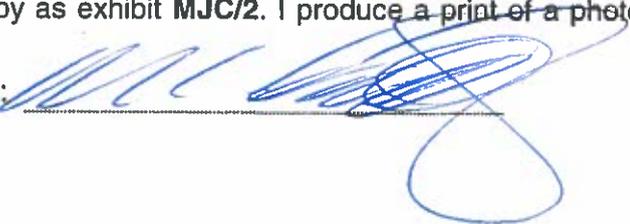
Continued statement of: Michael Craig

Page No: 2

Shortly afterwards, my colleagues drew my attention to a stash of improperly labelled and/or suspected counterfeit tobacco products in a black bin bag found in the stock room. The bag also contained two hand written notes which appeared to relate to tobacco sales; two stashes of cash money; and a blister packet of 10 Adalat tablets, with one tablet removed. Mrs Costa immediately said that this was her personal prescription medicine for a circulatory problem. I asked her why her medicine was with the stash of tobacco products, and she explained that shortly before my colleagues and I had entered the shop, she had received a phone call from her boss telling her to hide the tobacco, and that she had somehow thrown her medicine into the bin bag along with the packs. I seized all packs, including those found behind the counter. These comprised 10x packs of L&M cigarettes; 8x PECT; 10x REGAL; 7x RICHMOND; 10x L&B; 1x BENSON & HEDGES; 9x AMBER LEAF hand rolling tobacco; 19x GOLDEN VIRGINIA; and 4x TURNER.

During the course of my inspection I observed a number of fresh food products in a fridge on the shop floor which had exceeded their use by dates. These comprised a pack of MATTHEWS TURKEY BREAST PIECES which expired on 7 May 2018; a pot of RASPBERRY yoghurt which expired on 19 March 2018; and two cartons of ELMLEA cream which expired on 14 April 2018. I took photographs of these products and then placed them in a bin behind the shop counter. I gave Mrs Costa clear instructions that these products were hazardous, and that they were not to be removed from the bin, or sold, gifted, or consumed by anyone, and I asked her to clearly convey this message to the shop owner.

Before completing my inspection I cautioned and briefly questioned Mrs Costa. Mrs Harwood made notes of this exchange, which I checked and signed. I gave Mrs Costa a Business Visit Report, reference 47748, which served as a receipt for the seized goods, and I produce a carbon copy as exhibit **MJC/2**. I produce a print of a photograph of the seized tobacco as

Signature: 

LP/QR/32/02

Lancashire County Council

**Statement of Witness**

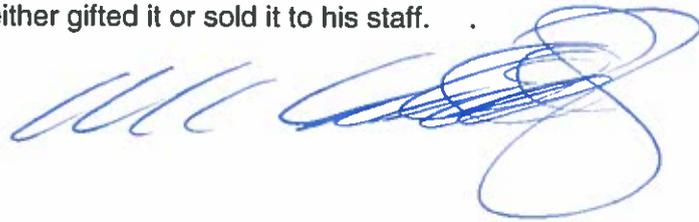
(Criminal Procedure Rules, r27.1(1);  
Criminal Justice Act 1967, s9, Magistrates' Courts Act 1980, s5B)

Continued statement of: Michael Craig

Page No: 3

**MJC/3.** I later submitted sample packs of L&B, Regal, Richmond and Amber Leaf to Imperial Tobacco for authenticity checking. The Regal, Richmond, L & B and Golden Virginia were all found to be counterfeit. The other tobacco products were not intended for the UK market but were not counterfeit. However, all the products bore incorrect health warnings and hence all had evaded duty.

When interviewed on 22 May 2018, RAMESH VARSANI stated that the seized tobacco belonged to him, and that he either gifted it or sold it to his staff.



Signature: \_\_\_\_\_

LP/QR/32/02

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LP/QR/25/02

**TRADING STANDARDS SERVICE**  
County Hall, Pitt Street, Preston PR1 0LD



**NOTICE OF POWERS & RIGHTS**

THE POWERS OF THE OFFICERS MAKING THIS ENTRY / INSPECTION / SEARCH AND YOUR LEGAL RIGHTS ARE SUMMARISED ON THE REVERSE OF THIS FORM.

ADDRESS OF PREMISES BUNTY 2, 66 WALTON LANE,

NAME OF PERSON TO WHOM NOTICE GIVEN K COSTA (4976)

**POWERS EXERCISED**

1)  By exercise of statutory powers (see reverse), or

2)  By warrant (copy attached), or

3)  By consent of person entitled to grant entry (only applicable when statutory powers are not exercised)

I hereby give consent to officers of Lancashire County Council Trading Standards Service to enter / inspect / search the above premises.

- I have been informed of the purpose of the proposed entry / inspection / search and its extent
- I have been informed that I am not obliged to consent to an entry / inspection / search being carried out and that anything seized may be used in evidence.
- I have been informed that I may withdraw my consent at any time
- I have been informed that I am not suspected of an offence (delete if necessary)

Name (CAPITALS) ..... Signature ..... DoB: .....

Status relevant to premises: .....

**OFFICER IN CHARGE**

Name: M. GALE Other Persons Present: MH!

RS, P.L. SELWATER  
Date and Time: 8/3/18 11.05am

**THIS ENTRY / INSPECTION / SEARCH IS MADE IN ACCORDANCE WITH THE POWERS AFFORDED TO AN AUTHORISED OFFICER ACTING UNDER THE FOLLOWING LEGISLATION:**

- Agriculture Act 1970
- Animal Health Act 1981
- Consumer Protection Act 1987
- Consumer Rights Act 2015
- S.Is under European Communities Act 1972
- Fireworks Act 2003
- Food Safety Act 1990
- Health and Safety at Work, etc. Act 1974

- Prices Acts 1974
- Trade Marks Act 1994
- Weights and Measures Act 1985
- Other (specify) .....
- .....
- .....
- .....
- .....

RECORD OF ENTRY / INSPECTION / SEARCH

<b>Address of Premises Entered / Inspected / Searched</b> 46 WILSONIA CNE 01020	<b>Details of Address</b> 1. Type of premises: SCHOOL 2. Occupier: JUNTS 3. Extent of entry / inspection / search: FULL 4. Damage caused and circumstances: 5. Premises secured? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A 6. Premises crossed to gain access:
<b>Authority for Entry / Inspection / Search</b> 1. Statutory power <input checked="" type="checkbox"/> Act and section: CNA 55 PG 2. Warrant <input type="checkbox"/> Act and section: Time and date granted: Issuing JP: 3. Consent without statutory power <input type="checkbox"/> 4. Relevant approval process for exercising the power of entry followed: Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Property Seized</b> 1. Summary of property seized and grounds for seizure: 2. Officer's receipt/visit form No: 47748
<b>Details of Entry / Inspection / Search</b> 1. Date: 8/5/18 2. From (time): 11.05 to 11.55 3. Officer in charge of entry / inspection / search: MLI 4. Names of other officers present: MLI, PAS 1x POLICE. 5. Forced entry: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If YES, give reasons: 6. Key available to premises: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> From whom: M. COSTA	<b>Persons Present</b> 1. Has the occupier requested a friend, neighbour or other person to witness the inspection / search? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Detail this person. If the request is refused, detail why: 2. Occupier granted consent to entry / inspection / search? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If NO, detail attempts made to obtain consent: 3. Any other requests made by the occupier and any grounds for refusal: 4. Details of any obstructive conduct by the occupier:
<b>Notice of Powers and Rights and Warrant</b> 1. Notice of Powers and Rights and (if applicable) copy of warrant handed to: M. COSTA or left at: 2. Persons present during entry / inspection / search and their relationship to the premises: M. COSTA MIAK 3. Warrant endorsed and returned to Court of issue: Executed <input type="checkbox"/> Unexecuted <input type="checkbox"/>	<b>Officer in charge of entry / inspection / search</b> Signature: [Signature] Date: 8/5/18

	<b>TRADING STANDARDS SERVICE</b> County Hall, Preston PR1 8XB Tel. 01772 533569		REPORT No. 47748	
	<b>BUSINESS VISIT REPORT</b>			Officer Name (Capitals) <i>M. CMC</i>
Trading Name	<i>DAVE'S FOOD + WINE 2</i>		Designation	<i>STO</i>
Alternative Name (Owner/ Licensee)	<i>DAVID WILLIAMS</i>		Direct Contact	<i>01772 53 7527</i>
Address	<i>116 WILSON ST</i>	Postcode <i>PR1 7DQ</i>	Date	<i>8/15/18</i>
	<i>STOBBLEY</i>		Time	<i>11.05</i>
Telephone	email		Signature <i>CCM</i>	

**ADVICE, INFRINGEMENTS & NECESSARY CORRECTIVE ACTIONS**

**WEIGHTS & MEASURES EQUIPMENT (\*DELETE AS NECESSARY)**

The equipment detailed below has been found incorrect and must be corrected within ..... days\*  
 The verification mark has been obliterated. The equipment must not be used for trade until it has been re-verified by an authorised person\*  
 Failure to comply may render you liable to a penalty.  
 The equipment detailed below has been certified fit for trade use in accordance with the Weights & Measures Act 1985\*

*POST OFFICE 116 FOOD ON OPEN MARKET  
 TURKEY PIECES 7 MAY  
 YOGHURT 19 MARCH 2018  
 ELMIRA CREAM x 2 14/4/18  
 ALL PARTS PHOTOGRAPHED + DATED.*

**VISIT REPORT: Details of areas examined, checks carried out, samples taken, documents examined and action by authority**

*STAFF: KAREN COSTA*

*ONE SKEW OF CEM FOUND  
 BELONGING TO OWNER. KAREN COSTA  
 SAID SHE HAD MORE PRODUCED SET AT  
 POST OFFICE IN 1941. MINUTE.  
 07436 975751 FOR THE NATIONAL  
 USE.*

*- ACCOUNT UNIFIED WITH MAINLINE.*

*- FURTHER STAIN FOUND IN STOCK ROOM  
 IN MARCH BIN 145. "ADULT"  
 BUBBLES FOUND WITH STAIN. IN BIN  
 145. KAREN COSTA SAID THERE ARE  
 MANY WHICH SHE TAKES FOR CIRCULAR  
 PROBLEMS.*

*- 2x DECT, 10x REGAL, TX RICHMOND  
 9x AMBER WARE, 17x S.V. 10x CTS  
 1x BTH, 11x TURNER*

**MAJOR INFRINGEMENTS (Itemise & unique reference) including advice given**

**COMPLIANCE CARD ISSUED?**

*- £72 IN PAKETS TW | MPTONE No 702*  
*- £75 IN MONEY BAG | NAM:*  
*- TWD HAND WRITTEN NOWI. | 07816*  
*| 178101*

*KAREN COSTA 19/8/170 (to HALLAMER)  
 Ad. PR1 3CH. 07791 527783*

Recipient *Karen Postal* Signature *K. Costa* Job Title *Shop Assistant*

Lancashire County Council supports the Enforcement Concordat standards of openness, helpfulness and consistency. If you have any questions or concerns on the advice or instructions given, please contact us and we will be pleased to explain our actions.  
 Fax 01772 533591 or email [tsdo@lancashire.gov.uk](mailto:tsdo@lancashire.gov.uk) or write to Trading Standards Service, County Hall, Preston PR1 8XB





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Chorley Council  
 Civic Offices  
 Union Street  
 Chorley  
 PR7 1AL  
[www.chorley.gov.uk](http://www.chorley.gov.uk)  
 01257 515151  
[licensing@chorley.gov.uk](mailto:licensing@chorley.gov.uk)

Licensing Act 2003 PLA0265  
**Premises Licence**

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION	
<p><b>Weldbank Stores &amp; Off Licence</b>                      46 Weldbank Lane, Chorley, PR7 3NQ</p>	<p>Telephone 01257 268583</p>

WHERE THE LICENCE IS TIME LIMITED THE DATES
<p>Not applicable</p>

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
<ul style="list-style-type: none"> <li>- the supply of alcohol</li> <li>- the sale by retail of alcohol</li> </ul>

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES	
Activity (and area if applicable)	Description & Times [From To]
<p>M. The sale by retail of alcohol for consumption OFF the Premises</p>	<p>Monday to Saturday 08:00 23:00                      Sunday 10:00 22:30                      Good Friday 08:00 22:30                      Christmas Day 12:00 15:00                      Christmas Day 19:00 22:30</p>

THE OPENING HOURS OF THE PREMISES
Description & Times[From To]
<p>None Stated</p>

WHERE THE LICENCE AUTHORISES THE SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES
<p>The sale by retail of alcohol for consumption OFF the Premises</p>

Part 2

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



Chorley Council  
Civic Offices  
Union Street  
Chorley  
PR7 1AL  
www.chorley.gov.uk  
01257 515151  
licensing@chorley.gov.uk

Licensing Act 2003  
**Premises Licence**

**PLA0265**

Mr Ramesh Karsan Varsani

246 Moor Road, Chorley, Lancashire, PR7 2NT  
Telephone:01257413623

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

Ms Nentara Ramesh Varsani

246 Moor Road, Chorley, Lancashire, PR7 2NT  
Telephone:01257 413626

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: PA1423

Issuing Authority: Bolton

**ANNEXES**

**ANNEX 1 – MANDATORY CONDITIONS**

**MANDATORY DRINKS CODE**

**Section 19:**

The Premises licence holder shall ensure that no supply of alcohol is 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 (section 19 of the Licensing Act 2003).

The Premises licence holder shall ensure that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence (section 19 of the Licensing Act 2003).

**AGE VERIFICATION**

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

Licensing Act 2003  
**Premises Licence**

**PLA0265**

**ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

**Note** – Some conditions may apply to one or more of the objectives

**General**

None.

**Prevention of Crime and Disorder**

None.

**Public Safety**

None.

**Prevention of Public Nuisance**

None.

**Protection of Children From Harm**

None.

**ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

None.

**ANNEX 4 – PLANS**



Chorley Council  
 Civic Offices  
 Union Street  
 Chorley  
 PR7 1AL  
[www.chorley.gov.uk](http://www.chorley.gov.uk)  
 01257 515151  
[licensing@chorley.gov.uk](mailto:licensing@chorley.gov.uk)

Licensing Act 2003 <b>Premises Licence</b>	PLA0265
---	---------

Summary of Licence

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION	
<b>Weldbank Stores &amp; Off Licence</b> 46 Weldbank Lane, Chorley, PR7 3NQ	Telephone 01257 268583

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
<ul style="list-style-type: none"> <li>- the supply of alcohol</li> <li>- the sale by retail of alcohol</li> </ul>

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES	
Activity (and area if applicable)	Description & Times [From To]
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THE OPENING HOURS OF THE PREMISES
Description & Times[From To]
None Stated

WHERE THE LICENCE AUTHORISES THE SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES
The sale by retail of alcohol for consumption OFF the Premises

Part 2



Chorley Council  
 Civic Offices  
 Union Street  
 Chorley  
 PR7 1AL  
[www.chorley.gov.uk](http://www.chorley.gov.uk)  
 01257 515151  
[licensing@chorley.gov.uk](mailto:licensing@chorley.gov.uk)

Licensing Act 2003  
**Premises Licence** PLA0265

**NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE**

Mr Ramesh Karsan Varsani	246 Moor Road, Chorley, Lancashire, PR7 2NT
--------------------------	---

**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**

Ms Nentara Ramesh Varsani
---------------------------

**STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED**

N/A
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**CHORLEY COUNCIL****Licensing Act 2003****Notice of application for review of premises licence.****Postal address of premises**

Weldbank Store and Off Licence 46 Weldbank Lane Chorley PR7 3NQ

Interested parties and responsible authorities may make representations **in writing** to Chorley Borough Council at the address stated below up to the 21<sup>st</sup> of June 2018

**Grounds of the Application for Review**

This premise has been involved with the illegal selling of smuggled tobacco. This undermines the Licensing Objective Prevention of Crime and Disorder that is not being promoted at this premise.

Postal address of Chorley Council referred to above where the statutory register is kept and where the grounds for review may be inspected during normal officer hours.

Chorley Council  
Civic Offices  
Union Street  
Chorley  
Lancashire  
PR7 1AL

It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is level 5 on the standard scale.

Dated 24<sup>th</sup> May 2018

Section 51 Review Notice.

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HOWARD RD

BUNTYS Food & Wine 2

**CHORLEY COUNCIL**  
Licensing Act 2003

Notice of application for review of premises licence.  
Postal address of premises

Weldbank Store and Off Licence 46 Weldbank Lane Chorley PR7 3NQ

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Chorley Council  
Civic Offices  
Union Street  
Chorley  
Lancashire  
PR7 1AL

It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is level 5 on the standard scale.

Dated 24<sup>th</sup> May 2018  
Section 25 Revenue Notice

30/05/2018 11:50

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Morning

Please can you add this email to the Police file for the review.

Julie

-----Original Message-----

Sent: 02 June 2018 09:27

To: Stewart, Julie

Subject: Weldbank stores Chorley

Dear Julie,

My name is Karen Costa & I work at Weldbank stores for Mr Ramesh Varsani, we met on the 8th May when you attended the premises to search for smuggled tobacco.

I am writing to ask you to please reconsider revoking the premises license, I know what we did was wrong & illegal but it has now stopped. We are a good business & have lots of good custom who buy alcohol & legal cigarettes, if the license is revoked we will lose that custom & I will end up out of a job.

I have worked here since 2011 and am a decent person who has never been in trouble with the police, I love my job & don't want to end up without it. Ram is also a decent person, I have always worked in off licenses but was never aware of the DPS authority letter, I just assumed because I was over 18yr old I was legally allowed to sell alcohol, I did obviously have rams permission but just wasn't in writing. We now have everything that is required by law & am begging you to give us another chance to prove ourselves. We have accounts and all till readings to prove that we do sell mainly shop goods and wasn't just using the shop for the illegal cigarettes. I don't know what else I can do to stop the license being revoked but please could you give it some thought.

Kindest regards

Karen Costa

Sent from my iPhone

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