

**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)
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- 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 8th 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 8th 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 8th 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