

**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 6884 Stephen Connolly 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

Postal address of premises or, if none, ordnance survey map reference or description Tonys Off Licence 50 Bolton Road	
Post town Chorley	Post code (if known) PR7 3ET

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

Number of premises licence or club premises certificate (if known) PLA0155
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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 South Licensing Team Preston Police Station Lancaster Road North Preston Lancs PR1 2SA
Telephone number (if any) 01772 209785
E-mail address (optional) southlicensing@lancashire.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 | <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)

TONYS OFF LICENCE is an off licensed premises situated on BOLTON STREET, CHORLEY and is currently permitted to open until 2300hrs and holds authority to sell alcohol until this time. The premises has no conditions save the mandatory conditions imposed against the licence.

The relevant person for this premises is Mr Vekaria BHARAT who is both the Designated Premises Supervisor & the premises licence holder, roles which he had held since February 2018. BHARAT has a personal licence which was issued to him by Greenwich Council under the reference LN/4555

The grounds of this application to seek a review of the premises licence are based upon the prevention of crime & disorder, public safety and protection of children from harm.

The circumstances which have brought about this application are that on Monday 5th September 2022 at 20:27hrs, Lancashire Constabulary received a 999 call from a member of the public stating that they were inside the premises and had assaulted the staff member on duty as earlier that evening her 16 year old son had attended and had bought Nitrous Oxide from the staff member.

When officers attended the account provided was that the informant's son had been given the Nitrous Oxide by his 17 year old friend who had bought the canister from the premises.

When officers spoke with the cashier at the premises she advised them that a lad came and asked for "SMARTWHIP" and that she thought he looked old enough. The officer asked for clarity on what Smartwhip was she advised them that it was "A

BALLON THNG", cashier went on to say that "THEY FEEL LIKE A PIECE OF SHIT BECAUSE THEY DON'T LIKE SELLING THEM". When asked by the officer why the cashier replied "OBVIOUS REASONS, YOU SEE IT ALL OVER FACEBOOK PEOPLE DYING FROM IT". Following this officers seized from consealed boxes within the stock room 7 large cannisters of Nitrous Oxide. Prior to leaving officers advised staff that Licensing would be informed of the incident. Lancashire Constabulary recorded this report as Possession of Psychoactive Substance with intent to supply contrary to seciton 7 of the Psychoactive Substances Act 2016 under incident log number LC-20220905-1422.

I have a honest held belief that on 5th September 2022, the cashier sold the Nitrous Oxide cannister knowing that it was intended for human consumption.

On 15th September 2022 I attended the premises in company with Lancashire Trading Standards and Chorley Borough Council Licensing to undertake an inspection of the premises licence and discuss the incident with BHARAT.

During the inspection I noted a 'slushed ice' machine by the counter which was currently switched off. attached to the side of the machine was a hand written notice advertising "adult slushies" made with a double measure of vodka or gin. I questioned BHARAT about this, specifically his process around measuring out the alcohol and he advised that he used to have a plastic cup which he measured out two shot glasses of alcohol, poured them into a plastic cup and drew a line on it with marker pen to determine the measure when serving the "adult slushies". I advised him that this was not a correct means of measuring out the alcohol.

I also discussed the the sale of the Nitrous Oxide with BHARAT, who presented me with a typed policy that the store had for the sale of it, which consisted of a few bullet points - the policy appeared to have been printed recently. BHARAT advised that staff were trained ref selling Nitrous Oxide but was unable to provide anything regarding what staff were trained, by who and when the training took place. BHARAT claimed that he had been selling them recently to takeaways, when asked where he purchased them he initially stated "AMAZON" but then denied having an account, he then claimed that someone had bought them for him before changing to buying them from a catering supplier.

Finally we discussed the CCTV of the incident, it transpired that CCTV at the premises only records for 5 days & BHARAT had not made a copy of the incident despite his staff member getting assaulted.

During this visit Lancashire Trading Standards also seized a large quantity of non-compliant e-cigs from the premises.

The inspection also uncovered that BHARAT had failed to notify Greenwich Council that he had changed his address.

Nitrous Oxide is a dangerous substance that can cause significant health issues for those that inhale it & on occasion has caused suffocation resulting in death.

Whilst there is only the one reported incident at the premises and some low level compliance issues, I believe that the issues raised around the sale of a Psychoactive Substances for human consumption, namely a child should be considered a serious negative impact on the Licensing Objectives for public safety, crime & disorder and protection of children from harm.

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

Incident Log

Body Camera footage of attending officers

Statement from Licensing Officer

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 06/10/22

Capacity Licensing Officer, Lancashire Constabulary

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Lancashire Constabulary
South Licensing Team
Preston Police Station
Lancaster Road North

Post town

Preston

Post Code

PR1 2SA

Telephone number (if any) 01772 209785

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) SouthLicensing@lancashire.police.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.