

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

**Julie Muscroft**

The Democracy Service

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**Tel:** 01484 221000

Please ask for: Nicola Sylvester

Email: [nicola.sylvester@kirklees.gov.uk](mailto:nicola.sylvester@kirklees.gov.uk)

Tuesday 27 April 2021

## Notice of Meeting

Dear Member

### Licensing Panel

The **Licensing Panel** will meet in the **Virtual Meeting - online** at **10.00 am** on **Wednesday 5 May 2021**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read 'Julie Muscroft', on a light-colored background.

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Licensing Panel members are:-**

### **Member**

Councillor Amanda Pinnock (Chair)

Councillor Terry Lyons

Councillor Kath Taylor

# Agenda

## Reports or Explanatory Notes Attached

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### Pages

**1: Minutes of Previous Meeting**

1 - 2

To approve the Minutes of the meeting of the Panel held on 19<sup>th</sup> April 2021.

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**2: Interests**

3 - 4

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

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**3: Admission of the Public**

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

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**4: Deputations/Petitions**

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

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**5: Application for Review Hearing under S51 Licensing Act 2003: Polski Sklep, 10 Broadway House, Foundry Street, Dewsbury, WF13 1QQ** 5 - 44

To determine the application at 10:00am

**Contact:** Jordan Barrett, Licensing Officer, Licensing Department  
Tel: 01484 221000

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Contact Officer: Nicola Sylvester

## KIRKLEES COUNCIL

### LICENSING PANEL

**Monday 19<sup>th</sup> April 2021**

Present: Councillor Amanda Pinnock (Chair)  
Councillor Michelle Grainger-Mead  
Councillor David Hall

**1 Interests**

No interests were declared.

**2 Admission of the Public**

All agenda items were considered in public session.

**3 Deputations/Petitions**

No deputations or petitions were received.

**4 Application for the Grant of a Premises Licence: Blue Convenience Store, 4-6 Crackenedge Lane, Dewsbury, WF13 1PT**

On the 19 April 2021, the licensing panel reconvened to consider and make a decision on an application for the grant of a premises license for Blue Convenience Store, 4-6 Crackenedge Lane, Dewsbury, WF13 1PT.

The initial meeting to consider the application was held on the 31 March 2021, where the Panel made a decision to defer the hearing to allow for discussions to be held between West Yorkshire Police and the applicant's representative concerning amendments to the premises licence conditions. The hearing was adjourned until the 19<sup>th</sup> April 2021.

At the hearing, the Licensing Officer advised the Panel that dialogue had taken place between the applicant's representative, West Yorkshire Police and the Licensing Department and the following amendments to the licence conditions were agreed by all parties:-

- a) All conditions proposed by the applicant on the original application for Grant of a Premises License must be placed upon the licence;
- b) The Designated Premises Supervisor must be contactable at all times when licensing activities are taking place;
- c) The Designated Premises Supervisor must inform West Yorkshire Police licensing Department, Kirklees Division of any foreign travel seven days before departure;
- d) A personal licence holder must be on duty at all times when licensable activities take place;

## **Licensing Panel - 31 March 2021**

- e) No none duty paid products to be on the premises at any time. This includes any member of staff who may bring such products into the shop for personal use;
- f) Installation of CCTV cameras to cover all entrances and exits, as well as all storage areas under the control of the store.

Following careful consideration of all the representations received both verbally and in writing, the Panel decided:

### **RESOLVED**

That the application for the grant of a premises licence be approved subject to the additional conditions put forward by West Yorkshire Police, the applicant's representative and the Licensing Department.

<b>KIRKLEES COUNCIL</b>				
<b>COUNCIL/CABINET/COMMITTEE MEETINGS ETC</b>				
<b>DECLARATION OF INTERESTS</b>				
Licensing Panel				
Name of Councillor				
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest	

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



**Name of meeting:** Licensing Panel

**Date:** Wednesday 5<sup>th</sup> May 2021 at 10am

**Title of report:** Application for Review Hearing under S51 Licensing Act 2003:  
 Polski Sklep, 10 Broadway House, Foundry Street, Dewsbury,  
 WF13 1QQ

**Purpose of report:** To determine the application.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Not applicable</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>Not applicable</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Not applicable</b>
<b>Date signed off by <a href="#">Strategic Director</a> &amp; name</b>	<b>Fiona Goldsmith as agreed by Colin Parr</b>
<b>Is it also signed off by the Service Director (Finance)?</b>	<b>Not applicable</b>
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Not applicable</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Paul Davies</b>

**Electoral wards affected:** Dewsbury East

**Ward councillors:** Cllr Eric Firth  
 Cllr Aleks Lukic  
 Cllr Cathy Scott

**Public or private:** Public

**GDPR Implications:** GDPR has been considered and appropriate sections of the report have been amended

## 1 Summary

1.1 On 24<sup>th</sup> March 2021, West Yorkshire Police made an application for the review of the premises licence under Section 51 of the Licensing Act 2003. The applicant believes that the following Licensing Objectives are not being met.

- Prevention of Crime and disorder
- Public Safety

Full details of the grounds for the review are contained in the attached review application at **Appendix A**.

## 2 Information required to take a decision.

### 2.1 Background

2.1.1 The shop known as Polski Sklep, 10 Broadway House, Foundry Street was found to have over 75,000 illegal cigarettes along with 272 x 50g pouches of tobacco. The approximate value of the illegal tobacco products would have a retail value of £43,667 for the cigarettes and £7,017 for the tobacco, giving a total retail price of £50,681. There was also a hidden compartment with approximately £10,000 in notes concealed in the staircase.

2.1.2 West Yorkshire Police have submitted all the findings in the Review application which also include statements from Police officers. This includes statement from Trading Standards. This can be seen at **Appendix A**.

2.1.3 Current licence PR(A)1682 was issued on 30<sup>th</sup> August 2018, can be seen at **Appendix B**.

### 2.2 Licensing Policy

Members considering the application should take note of the Authority's Statement of Licensing Policy, which provides the following guidance on how Members should approach the application and representation:

#### **1.0 – Executive Summary**

*1.2 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly. The council will have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.*

#### **2.0 – Purpose and Scope of the Licensing Policy**

*2.7 The Licensing Authority recognises that each licence application must be considered on its own individual merits in the context of the four licensing objectives, and that unless relevant representations are received from responsible authority's or interested parties, there is no provision for a Licensing*

*Authority to impose conditions on a licence other than those proposed within an application. Only conditions which have been volunteered by the applicant or which have been determined at a Licensing Panel hearing can be attached to a licence or certificate. If no relevant representations are made in respect of an application, the Licensing Authority is obliged to issue the licence on the terms sought.*

### **Licensing Objectives.**

1. *Public Safety*
2. *Prevention of crime & disorder*
3. *Prevention of public nuisance*
4. *Protection of children from harm*

### 2.3 Secretary of State Guidance

Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations relate to all four licensing objectives, Members attention is drawn to Section 2 of this Guidance, the relevant parts of which may be found at **Appendix C**.

## 3 **Implications for the Council**

### 3.1 **Working with People**

Residents of Kirklees need to be confident that persons holding licences under the Licensing Act 2003 are in a position to uphold the four licensing objectives. Taking appropriate and necessary action against licence holders where they fall short of their duties under the Licensing Act 2003 will prevent harm to residents.

### 3.2 **Working with Partners**

The Council's licensing team work closely with partnering agencies, classed as 'Responsible Authorities' under the Licensing Act 2003, these include Planning, West Yorkshire Police, Trading Standards, Environmental Health, Fire Service, and Safeguarding Children team.

### 3.3 **Place Based Working**

Working closely with Responsible Authorities the Licensing Authority can address issues within the districts that make up Kirklees.

### 3.4 **Improving outcomes for children**

A key objective of the Licensing Act is the protection of children from harm, and any decision made by the Council, in its capacity as Licensing Authority, have to have regard to this objective.

### 3.5 **Other (e.g. Legal/Financial or Human Resources)**

In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance. The app

or any other person who made relevant representations in relation to the application have a right of appeal to the Magistrates' court.

#### **4 Consultees and their opinions**

Consultation has taken place in accordance with the requirements under the Licensing Act 2003. There have been no matters arising from responsible authorities.

#### **5 Next steps and timelines**

- 5.1 When determining the review application Members, having had regard to the information in the application, may take any of the following steps as they consider appropriate:
- a) 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;
  - b) 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);
  - c) Remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - d) Suspend the licence for a period not exceeding three months;
  - e) Revoke the licence.
- 5.2 Findings on any issues of fact should be on the balance of probability.
- 5.3 In arriving at a decision Members must have regard to the relevant provisions of statutory guidance and the licensing policy statement and reasons must be given for any departure.
- 5.4 The decision should be based on the individual merits of the application.

#### **6 Officer recommendations and reasons**

- 6.1 Members of the Panel are requested to determine the application.

#### **7 Cabinet portfolio holder's recommendations**

Not applicable

#### **8 Contact officer**

Jordan Barrett, Licensing Officer, Licensing Service  
Tel: 01484 221000 ext. 71665  
Email: Jordan.barrett@kirklees.gov.uk

## **9 Background Papers and History of Decisions**

9.1 Appendix A – Review Application from West Yorkshire Police

9.2 Appendix B – Copy of Premises Licence PR(A)1682

9.3 Appendix C - Secretary of State Guidance

## **10 Service Director responsible**

Sue Procter

Service Director

Environment

Tel: 01484 221000

Email: [sue.procter@kirklees.gov.uk](mailto:sue.procter@kirklees.gov.uk)

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RESTRICTED

# 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, (insert name of applicant) PC 4346 Katie Jagger

- 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

### Part 1 – Premises or Club Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description:

Polski Sklep. 10 Broadway House, Foundry Street

Town/City: Dewsbury

Postcode: WF13 1QQ

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

Barez & Co Ltd, 330 – 332 Uxbridge Street, Burton Upon Trent, Staffordshire, DE14 3JS

Number of premises licence or club premises certificate (if known): PR(A) 1682

### Part 2 – Applicant details

Please 'check' appropriate box(es)

I am:

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

Surname:

Forename(s):

I am 18 years old or over:

Current postal address if different from premises address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

**B – Details of other applicant**

Surname: \_\_\_\_\_ Forename(s): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Town/City: \_\_\_\_\_ Postcode: \_\_\_\_\_  
 Daytime contact telephone number: \_\_\_\_\_  
 E-mail address (optional): \_\_\_\_\_

**C – Details of responsible authority applicant**

Other title, e.g. R. PC 4346 \_\_\_\_\_  
 Surname: Jagger \_\_\_\_\_ Forename(s): Katie \_\_\_\_\_  
 Address: West Yorkshire Police Licensing, Flint Steet \_\_\_\_\_  
 Town/City: Huddersfield \_\_\_\_\_ Postcode: HD1 6LG \_\_\_\_\_  
 Daytime contact telephone number: [REDACTED] \_\_\_\_\_  
 E-mail address (optional): [REDACTED] \_\_\_\_\_

This application to review relates to the following licensing objective(s): (Please 'check' one or more boxes)

- (a) The prevention of crime and disorder
- (b) Public Safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

State the ground(s) for review (please read Guidance note 1):

A partnership operation was organised involving West Yorkshire Police and West Yorkshire Trading Standards in the Dewsbury town centre area for illegal none duty paid or counterfeit tobacco products.  
 The shop known as Polski Sklep, 10 Broadway House, Foundry Street was found to have over 75,000 illegal cigarettes along with 272 x 50g pouches of tobacco. The approximate value of the illegal tobacco products would have a retail value of £43,667 for the cigarettes and £7,017 for the tobacco, giving a total retail price of £50,681. There was also a hidden compartment with approximately £10,000 in notes concealed in the staircase.  
 The storage and sale of illegal tobacco has impacted the below licensing objectives:

**Prevention of crime and disorder.**  
**Public Safety.**



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

On Thursday 11<sup>th</sup> March 2021 a joint partnership operation was put in place between Trading Standards and West Yorkshire Police.

Trading standards had received intelligence that named shops in the Dewsbury area were selling illegal products. As a result of this information they had carried out test purchasing in the area. Polski Sklep failed the test purchase on the 8<sup>th</sup> March 2021 by selling a packet of 20 Richmond cigarettes to Trading Standards Officer, [REDACTED] for the value of £4.50. Further details of this sale are in the statement of [REDACTED] which is attached to this file.

In February 2021 West Yorkshire police had also been informed by a member of the public that illegal cigarettes were being sold from Polski Sklep.

Of the four shops visited on the 11<sup>th</sup> March 2021, only one was a licensed premises, that being Polski Sklep, 10 Broadway House, Foundry Street. This shop had by far the greatest amount of illegal tobacco products being stored, and available for sale.

The partnership agencies entered the shop and requested no customers enter the store while the search was carried out. A specialist tobacco dog was used to search the premises.

On entering the storage area the dog indicated to a rack of shelving, where a trap door was located in the lower left hand side of a false wall. This has been shown on the photograph listed as exhibit RW.1

Behind the false wall were a number of rooms, in the first room was a drain pipe style shoot that went from this room, exhibit KJJ.1 and KJJ.2 to a drawer behind the serving counter in the shop exhibit KJJ.3.

In a further room was also a large amount of illegal tobacco products, exhibit KJJ.4.

It is believed that this shoot system worked by a person upstairs listening remotely to the shop CCTV on their phone. When a customer asked for a certain packet of cigarette or tobacco the item was sent down the shoot, into a drawer under the till. Exhibit KJJ.3 shows a number of cigarette sleeves, these were sent down by the Trading Standards Officers, to see how the shoot worked.

No person was found in the rooms behind the false wall but from surveying the area it transpired that from these rooms there was access to the Central Café, 8 Broadway House, Foundry Street, Dewsbury. On this date the café was not open but it was a push bar exit door which Police and Trading Standards believe was used as an exit by person/s used to put the cigarettes in the shoot to the shop.

As well as illegal cigarettes, there was approximately £10,000 in cash found in a

secret compartment on the stairwell going up to the stock room. This has been seized under the money laundering act and further investigations are still being carried out.

When a final count of the illegal tobacco products was carried out it became apparent that some were none duty paid cigarettes brought in from the continent, however the vast amount were counterfeit.

It is illegal to sell none duty paid tobacco products in the United Kingdom. The packets do not carry the correct health warnings, all warnings are not written in English, the act of selling none duty paid evades the Treasury of much needed funds in this current economic climate.

The act of selling counterfeit cigarettes goes much further, not only removing finances from the U.K. Government, but is a major health risk to the people buying the tobacco. The substances used to bulk out the substandard tobacco does range greatly, none of which is fit for use by the tobacco industry. The packaging does not carry the relevant health warnings and the price make smoking more affordable and can encourage younger people to start smoking.

The final amount seized was as follows

Counterfeit and non-duty paid cigarettes 3,798 x 20 packets (total 75,960) of various brands of cigarettes including Richmond.

272 x 50 gram pouches of hand rolling tobacco.

The total amount of illegal stock found in the shop comes to approximately £50,000. Further details are in the statement of Trading Standards Officer, [REDACTED]

When the stock had been collated ready to transport to the Trading Standards Headquarters the shop looked more like the duty free lounge of an international airport terminal as opposed to a small convenience store in Dewsbury.

Exhibit photographs RW2 RW3 RW4 RW5 RW6 and RW7 show some of the total seized.

At the time of the visit the Designated Premises Supervisor [REDACTED] with a home address in Stoke on Trent was not present. At the time of preparing the review, we have not been able to contact him as Licensing have no contact telephone number. A letter has been sent to his home address requesting that he contact Kirklees Licensing as a matter of urgency.

The owner and the staff working in this shop have absolutely no regard for UK Law, and their customer safety by selling such products. West Yorkshire police feel that the only option the panel should consider is revocation.

Further legal action will be taking place to those involved. West Yorkshire

Trading Standards have an ongoing investigation with a view to prosecution. However the removal of the alcohol licence is a measure the panel can put in place to show that Kirklees Council will not support or tolerate such illegal activities that are definite risk to the health of residents in Kirklees. These illegal sales also hinder the sales of shop keepers who do not break the law and sell duty paid cigarettes.

Have you made an application for review relating to this premises before? NO

If 'YES', please state the date of that application:

**RESTRICTED**

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

N/A


Please 'check' appropriate box(es)

- 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: 24/3/2021  
Capacity: Police Constable Licensing officer

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

Surname:

Forename(s):

Address:

Town/City:

Postcode:

Telephone number (if any):

If you would prefer us to correspond with you using an e-mail address, please state your e-mail address (optional):

**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.

KJJ.1



KJJ.1

KJJ-2



KJJ-2









Ex. RW 1



RW2



RW3



RW4



RW5



RW6



RW7

<b>Statement of:</b>	<input type="text" value="██████████"/>
<b>Age of witness:</b> (if over 18 enter 'over 18')	<input type="text" value="Over 18"/>
<b>Occupation:</b>	<input type="text" value="Trading Standards Officer"/>
This statement (consisting of 3 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.	
<b>Dated:</b>	<input type="text" value="24/03/2021"/>
<b>Signature:</b>	<input type="text" value="██████████"/>

I am a Trading Standards Officer employed by West Yorkshire Joint Services. I am an authorised officer for the purposes of the Trade Marks Act 1994, Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Regulations 2015 and The Consumer Rights Act 2015.

On 8 March 2021, I was in plain clothes when I attended the premises of Polski Sklep, 10 Foundry Street, Dewsbury, WF131QQ to carry out a test purchase for illegal tobacco. I entered the store and waited to the right hand side of the counter whilst another customer was being served in front of me.

Working behind the counter was a male, medium build, approximately five foot six inches tall, black shaved hair at the sides wearing a black coat. He spoke English with a foreign accent. He was standing behind the counter but came round to the front of the counter and walked in front of me to a shelf to retrieve an item of food for the customer

**NOTE :** *If statements are typed double spacing should be used.  
One side only of this paper should be used.*

**(Signed) ..**

**Dated...24/03/2021..... Page 1 of 3**

**B4.0.9a**

**010911**



in front of me and I noticed his stomach was a little overweight and protruding out of his t-shirt underneath his coat that was open.

I asked for 20 Richmond cigarettes the male reached under the counter and handed me a blue packet of Richmond cigarettes and asked for £4.50. I paid £4.50 for the Richmond cigarettes using a £5.00 note. The male handed me two twenty pence coins and a ten pence coin taken from the till as change.

I took the product and left the shop. The cigarettes were placed in a signed evidence bag. The bag was sealed and stored in the secure storage at West Yorkshire Trading Standards.

The packet of cigarettes purchased did not conform to the Tobacco and Related Products Regulations 2016 in that they did not have the required health warnings/pictures and they were not compliant with Standardised Packaging of Tobacco Regulations 2015 in that they were not the specified colour and I suspect them to be counterfeit. The normal price for the cigarettes is around £10.00.

On the 11 March 2021 I returned to Polski Sklep at 10 Foundry Street, Dewsbury, WF131QQ with other Trading Standards officers to conduct an inspection. I recognised the same male being present in the shop. A search of the shop premises was conducted and an envelope containing approximately £10,000.00 cash in notes

**NOTE** : *If statements are typed double spacing should be used.  
One side only of this paper should be used.*

**(Signed)** ... 

**Dated**...24/03/2021..... **Page 2 of 3**  
010911

**B4.0.9a**

was found in a concealment in one of the steps leading up to the storage room above the shop.

A concealed entry door was discovered behind shelving in the store room above the shop. This provided access to a further room where a shoot was identified in the corner of the room hidden under a cover. The shoot led down to the shop and into a drawer behind the counter. Illegal tobacco was discovered down a further corridor in a room above the next door premises.

Illegal tobacco including 3,798 x 20 packets (total 75,960) of various brands of cigarettes including Richmond and 272 packets of 50g hand rolling tobacco were recovered. The tobacco products were not in the standardised format as required by The Standardised Packaging of Tobacco Products Regulations 2015 and were in violation of the Tobacco and Related Products Regulations 2016 as the prescribed health warnings were not present in English. From the discrepancies in the packaging of the cigarettes I believe these are counterfeit and also non duty paid items.

*NOTE : If statements are typed double spacing should be used.  
One side only of this paper should be used.*

(Signed) ... 

Dated...24/03/2021..... Page 3 of 3  
010911

B4.0.9a

**PREMISES LICENCE**

Licensing Act 2003

Licence number:

**PR(A)1682**

Online Reference number:

**PR00232****THIS LICENCE IS ISSUED BY**

LICENSING  
 Flint Street Depot  
 Flint Street  
 Fartown  
 Huddersfield  
 HD1 6LG

Tel: 01484 456868  
 Email: [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk)

**POSTAL ADDRESS OF PREMISES**

**Polski Sklep**  
 10 Broadway House  
 Foundry Street  
 Dewsbury  
 WF13 1QQ

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

Sale of Alcohol

**THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

**Sale of Alcohol**

Day(s)	From - To
Monday	08:00 - 22:30
Tuesday	08:00 - 22:30
Wednesday	08:00 - 22:30
Thursday	08:00 - 22:30
Friday	08:00 - 22:30
Saturday	08:00 - 22:30
Sunday	08:00 - 22:30

**THE OPENING HOURS OF THE PREMISES**

DAY(S)	FROM	TO
Monday to Sunday	08:00	22:30

**NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)****WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES**

Alcohol is supplied for consumption off the Premises

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

Barez & Co Ltd



**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

Barez & Co Ltd

**NAME, ADDRESS OF THE DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**



**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OR PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR (WHERE THE PREMISES AUTHORISES THE SUPPLY OF ALCOHOL)**

PERSONAL LICENCE NUMBER:  
LICENSING AUTHORITY:



**ANNEXES****ANNEX 1 – MANDATORY CONDITIONS**

## ANNEX 1 - MANDATORY CONDITIONS

## Alcohol:

1. No supply of alcohol may be made under this 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.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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 either -

- a. a holographic mark, or
- b. an ultraviolet feature.

4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

b. "permitted price" is the price found by applying the formula  $P = D + (D \times V)$  where -

- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d. "relevant person" means, in relation to premises in respect of which there is in force a club premises

certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

5. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

6. (1) Sub-paragraph (2) applies where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE**

### General -

A tamper-proof digital colour CCTV system must be installed and maintained at the premises.

The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas.

Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage.

Any discs, portable drivers or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.

The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date.

A written record of these checks must be kept, including a signature of the person carrying out the check.

This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

The premises are secured on both entrances with roller shutters at the front when closed.

### The Prevention of Crime and Disorder -

Spirits of high ABV will be sold behind the counter. When the DPS is not on duty a contact telephone number will be available at all times.

### Incident Book -

An incident book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident book must be used to record the following:

- (i) any incident of violence or disorder on or immediately outside the premises
- (ii) any other crime or criminal activity on the premises
- (iii) any refusal to serve alcohol to persons who are drunk (on sale and off sale premises only)
- (iv) any refusal to serve alcohol to under 18's or anyone who appears to be under 18
- (v) any call for police assistance to the premises
- (vi) any ejection from the premises
- (vii) any first aid/other care given to a customer

Refusals Book -

A refusals book must be kept at the premises and must be used to record all refusals to sell alcohol for any reason. Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage must be recorded. The details to be recorded must be as follows:

- (i) time, day and date refusal
- (ii) item refused
- (iii) name & address of customer (if given)
- (iv) description of customer
- (v) details of i.d. offered (if shown)

The refusals book must be made available for inspection by responsible authorities on request.

Public Safety -

No risk has been assessed under the Licensing Act 2003

The Prevention of Public Nuisance -

The management will monitor the exterior of the premises with the CCTV and use their best endeavours to disperse any persons who appear to be congregating outside the premises

The Protection of Children From Harm -

A "Challenge 25" policy shall be operated at the premises at all times.

The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo I.D. that is approved for acceptance by the Police or other Authorised Officers.

Signage for "Challenge 25" scheme shall be displayed at the premises. A documented training programme shall be introduced for all staff in a position to sell, serve alcohol.

The programme shall be made available for inspection at the request of Trading Standards, Licensing Authority officers and Police. A written record shall be kept of the content of training.

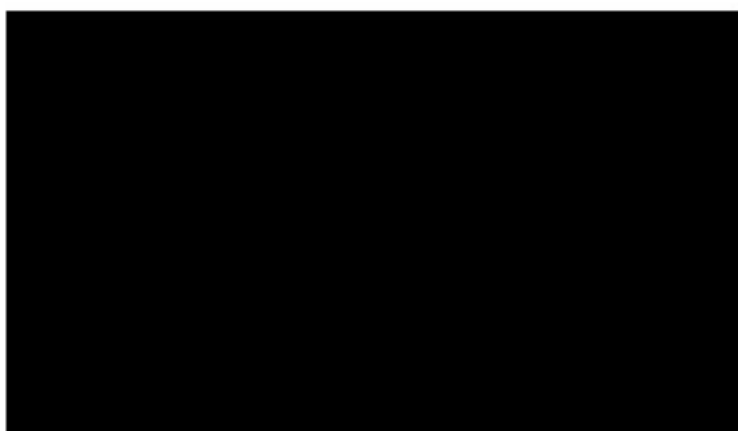
**ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

**ANNEX 4 – PLANS OF PREMISE**

As outlined in the operating schedule and attached plan

**Date Granted: 30<sup>th</sup> August 2018**

**Date Commences/Varied: 30<sup>th</sup> August 2018**



Head of Public Protection Service

# PREMISES LICENCE SUMMARY

Licensing Act 2003

# PR(A)1682

## THIS LICENCE IS ISSUED BY



LICENSING  
Flint Street Depot  
Flint Street  
Fartown  
Huddersfield  
HD1 6LG

Tel: 01484 456868  
Email: [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk)

## POSTAL ADDRESS OF PREMISES

**Polski Sklep**  
10 Broadway House  
Foundry Street  
Dewsbury  
WF13 1QQ

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol

## THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

**Sale of Alcohol**

Day(s)	From - To
Monday	08:00 - 22:30
Tuesday	08:00 - 22:30
Wednesday	08:00 - 22:30
Thursday	08:00 - 22:30
Friday	08:00 - 22:30
Saturday	08:00 - 22:30
Sunday	08:00 - 22:30

## THE OPENING HOURS OF THE PREMISES



DAY(S)	FROM	TO
Monday to Sunday	08:00	22:30

## NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

## WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Alcohol is supplied for consumption off the Premises



<b>NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE</b>
Barez & Co Ltd 
<b>REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)</b>
Barez & Co Ltd
<b>NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL</b>

<b>STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED</b>
As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence

**Date Granted: 30<sup>th</sup> August 2018**

**Date Commences/Varied: 30<sup>th</sup> August 2018**



Head of Public Protection Service

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182 LICENSING ACT SECRETARY OF STATE GUIDANCE

**Crime and disorder**

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10).

For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers.

But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the

premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

Revised Guidance issued under section 182 of the Licensing Act 2003 | 7

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

## **Public safety**

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation.

Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.9 The measures that are appropriate to promote public safety will vary between premises

and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-

8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

8 | Revised Guidance issued under section 182 of the Licensing Act 2003

Ensuring safe departure of those using the premises

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should

send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

1 S 177 of the 2003 Act now only applies to performances of dance.

Revised Guidance issued under section 182 of the Licensing Act 2003 I 9 those premises should be.

2.14 Public safety may include the safety of performers appearing at any premises, but does

not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

## **Protection of children from harm**

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children.

Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered

in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the

context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);

- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible Revised Guidance issued under section 182 of the Licensing Act 2003 I 11 authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure

that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

2.30 The 2003 Act provides that, where a premises licence or club premises certificate

12 | Revised Guidance issued under section 182 of the Licensing Act 2003 authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in

the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such

circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children).

Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Revised Guidance issued under section 182 of the Licensing Act 2003 | 13

Table of relevant offences under the 2003 Act

Section Offence Prosecuting Authority

Section 145 Unaccompanied children prohibited from certain premises

Police and/or Licensing Authority

Section 146 Sale of alcohol to children Police, Licensing Authority and/or

Local Weights and Measures

Authority

Section 147 Allowing the sale of alcohol to children Police, Licensing Authority