

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: Kirklees 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):

This shop has been found selling cigarettes to children.
This shop is not only selling cigarettes to children but selling single unpackaged cigarettes which is illegal. Single cigarettes do not come with any health warning markers and are more affordable and accessible to children.
The cigarette that have been sold are also counterfeit, none duty paid cigarettes.

We are calling for the review on grounds that the following licensing objectives have been impacted upon.

- 1) Crime and Disorder.
- 2) Public Safety.
- 3) Protection of children from harm.

RESTRICTED

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

no

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: 28/3/19

Capacity:.....

PC 4346 Jagger Kirbles Licensing

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.

Westgate News is on Westgate, Huddersfield. This is a licensed premises in the town centre that sells groceries and newspapers along with cigarettes and tobacco products. It does not at the moment retail alcohol however it does benefit from having an alcohol licence, which greatly increases the value of the business.

West Yorkshire Police have received intelligence about the sales of non-duty or counterfeit cigarettes to minors from this shop. The shop has been inspected countless times by town centre officers and staff have been informed and educated about selling illegal products from a licensed premises.

On 21st Feb 2019 I carried out a test purchase operation in the town centre and the shop sold two single cigarettes to our test purchase children. I returned into the shop and told the person working in the shop that [REDACTED] had failed a test purchase, and had sold single cigarettes to minors. On questioning, the [REDACTED] working in the store said [REDACTED] was not employed there and was only standing in while the owner attended hospital. The next day I spoke to the owner [REDACTED] on the telephone. [REDACTED] told me that sales of tobacco to youths would not happen from [REDACTED] shop again and this incident had happened due to [REDACTED] being taken into hospital. [REDACTED] was warned that further test purchasing would be taking place.

Due to this failed test purchase we contacted trading standards and asked for their history of illegal sales that had taken place from the shop. The following was sent back to us:

Re : Update On Westgate News

In April of last year (2018) there was a sale of E Cig Liquid to one of our child volunteers. For a first offence we now offer them a training session for a charge and follow it up with a standard warning letter, this was done in June of last year. [REDACTED] stated that [REDACTED] did not sell age restricted cigarettes or alcohol, only nicotine inhaling products and adult magazines.

On Tuesday 26th March 2019 I assisted with a search warrant at Westgate News, 24 Westgate, Huddersfield. I was asked to observe persons entering the shop for the 30 minutes prior to the warrant being executed at 4pm. I observed a steady stream of youths, some in school uniform, enter the shop and leave approximately one minute later. Some had items in their hands such as cans of drink or crisps but others it was not obvious what they had bought. At 3.45pm I observed two young [REDACTED] enter the shop who were approximately 15 years of age. They left the shop a minute later and one of the [REDACTED] on leaving the shop had a lit cigarette in [REDACTED] mouth.

At 4pm the warrant was executed. The only person in the shop was the owner [REDACTED]

Under the sales counter, I observed police officers find two packets of open cigarettes. One was Lambert & Butler and the other was Rothmans Royals. Next to the open cigarettes was a red leather purse full of silver change. [REDACTED] was asked if [REDACTED] smoked and [REDACTED] said [REDACTED] did not. I told [REDACTED] that I had observed a [REDACTED] who looked 15 leave the store smoking a cigarette. [REDACTED] admitted that [REDACTED] had sold this cigarette as a single to this [REDACTED] for 60 pence. [REDACTED] was then asked if the cigarettes under the counter were for sale as single cigarettes and [REDACTED] admitted that they were. It is an offence to sell single cigarettes and when I observed the packaging it was clear that these were none duty paid cigarettes.

A large box of matches was found to the left of the till, these were not for sale and [REDACTED] could not give a reason as to why they were in the shop. Also one of the search officers found a half used lighter situated by the exit to the shop. Again [REDACTED] could give no explanation as to why it was there but I believe it was positioned so that any person buying a single cigarette could light it before leaving the shop.

There was no gantry for sales of cigarettes, just a tray which was kept under the counter. In this tray was packets of Benson and Hedges and Lambert and Butler cigarettes, all of which appeared to be none duty paid. Also found under the counter were 10 packets of Rothmans Royals still in cellophane, these again appeared to be none duty. When asked for wholesale receipts for the tobacco products none could be produced, however [REDACTED] said they were from Batley's Cash and Carry.

Trading Standards were in attendance and have seized these cigarettes.

During the search 3 boxes of small cellophane bags were found. These were not on sale but were situated behind the till. These bags are what the police refer to as "dealer bags" because drugs such as cannabis and crack cocaine are often sold in these bags.

[REDACTED] could give no explanation as to why these bags were in [REDACTED] shop.

Four tobacco grinders were on sale, although the shop did not sell tobacco to grind and in the rear of the shop was a tobacco grinder.

A number of flavoured blunts were found in the shop and were seized by Trading Standards. These are ready made cigarettes made out of flavoured rolling tobacco and are attractive to youths as they come in a variety of flavours such as Watermelon, Cosmopolitan, Mango and Jamaican Rum. It is illegal to sell flavoured tobacco.

The DPS and premises licence holder has a blatant disregard for criminal law, illegal cigarettes were sold on separate occasions to children. The staff seem to have no knowledge of laws governing age related products, and no training has been apparent. Alcohol is not available for sale, but like I mentioned earlier the benefit of an alcohol licence greatly increases the resale value of this town centre premises. Kirklees Licensing believe that if the current DPS wishes to sell alcohol due to having a licence ■ would sell to underage persons. Therefore, West Yorkshire Police respectfully request the panel give strong consideration to revoking this licence.