



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) **Richard Woodhead**

18 JUL 2019

- **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:

A and A European Mini Market, 156 Blackmoorfoot Road, Crosland Moor,

Town/City: **Huddersfield**

Postcode: **HD4 5RE**

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

Number of premises licence or club premises certificate (if known): **PRA 1694**

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

Mr

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 Mr

Surname:

Woodhead

Forename(s): Richard

Address:

West Yorkshire Police Licensing, Flint Steet

Town/City:

Huddersfield

Postcode: HD1 6LG

Daytime contact telephone number:

E-mail address (optional):

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):

The shop has being found employing an illegal worker who has not got the right to employment in the UK.

Licence conditions are being breeched.

The DPS could not at the time of writing the review could have been contacted for any explanations as to why these breeches were taking place. The DPS is also the premises licence holder.

[REDACTED] is the DPS and premises licence holder, he is at the time of this report out of the UK and cannot be reached. He has a complete disregard for UK Law, employment legislation, and the licensing law.

On checking with my colleagues at Bradford he failed a test purchase when a sale was made to a person under the age of 18.

West Yorkshire police feel that this shop is impacting on the licensing objectives, there is none compliance to the licence conditions, and an illegal member of staff were found to be working.

The Home office states that there is no excuse for employing illegal persons, and in all cases linked to licence premises revocation should be seriously considered. Therefore West Yorkshire police request the panel consider revocation as the best method of getting the message across that such actions will not be tolerated in Kirklees.

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

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

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

A joint partnership operation was put in place on Thur. 11th July 2019. The partners involved were West Yorkshire police, Trading Standards, and the local authority, where a number of shops were visited to ensure they were trading within the scope of the premises licence.

When officers attended A and A mini market at Crosland Moor a number of licence breeches were discovered, along with an illegal worker who had no right to be employed in the UK.

The licence was only granted in Nov 2018, to [REDACTED], he was also the DPS of the premises. He had agreed to a number of conditions including CCTV to being installed, and that a member of staff will be on duty at all time who could operate the system, it also states the DPS must check the system once a week and record the checks in written form. No written checks could be found. The staff member present could not operate the system.

The conditions also states an incident and refusals log must be kept. None were available on request.

The only person present in the shop at the time of the visit was [REDACTED] who was acting as a sales person. When challenged about his employment status he produced a home office card stating he DID NOT have the right to work. On further checks with immigration service it became apparent he was an immigration absconder, and was arrested and held at Leeds.

Home office statements to employing illegal workers

Illegal working often results in abusive and exploitative behaviour, tax evasion, undercutting legitimate business and adverse impacts on the employment of lawful workers. Home Office immigration enforcement officers frequently identify illegal migrants in premises involved in the sale of alcohol and late-night refreshment.

Government intervention is required to amend the licensing legislation to ensure illegal migrants cannot obtain alcohol and late night refreshment.

The Home office have an easy to use web page where employers can check their employee's employment status on line, so there is no excuse for employing illegal persons.

Just to clarify; from an illegal working perspective even an employee was not receiving some sort of remuneration (whether that is monetary i.e wages or payment in kind ie board and lodging/food etc.) the fact that he is performing work that would otherwise be done by a salaried employee means the business is liable for a Civil Penalty for employing an illegal worker.

RESTRICTED

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

[Empty box for representations]

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: [Redacted] Date: 18 July 2010

Capacity: Police 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.

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Immigration Officer 8772

This statement (consisting of 1 page(s) 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.

Signature:..... [REDACTED] (witness) Date: 18/07/2019

I am the person named above and I am employed by The Home Office as an Immigration Officer. I am currently stationed on the Immigration Enforcement Team, Waterside Court, Kirkstall Road, Leeds LS4 2QB. I have been employed by The Home Office since February 2004.

On Thursday 18th July 2019 PC58 NICHOLLS requested checks in relation to [REDACTED] born [REDACTED] national regarding his current status in the UNITED KINGDOM and any restrictions placed upon him for employment.

I have conducted checks on Home Office systems, I can confirm that me [REDACTED] currently holds no leave in the UNITED KINGDOM. [REDACTED] has an outstanding application for leave with the Home Office currently under consideration.

I can also confirm at this time [REDACTED] has no permission to work in the UNITED KINGDOM.

PREMISES LICENCE

Licensing Act 2003

PR(A)1694

THIS LICENCE IS ISSUED BY



LICENSING
Flint Street Depot
Flint Street
Fartown
Huddersfield
HD1 6LG

Tel: 01484 456868
Email: licensing@kirklees.gov.uk

POSTAL ADDRESS OF PREMISES

A + A European Mini Market
156 Blackmoorfoot Road
Crosland Moor
Huddersfield
HD4 5RE

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Sale of Alcohol

Day(s)	From - To
Monday to Sunday	07:00 - 23:00

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Sunday	07:00	23:00

WHERE THE LICENCE AUTHORISES 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

[Redacted Name and Address]

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

[REDACTED]

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

[REDACTED]

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:

KMCPL4893

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

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

The system must run and record continuously for 24hrs a day, 7 days a 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 software etc. which is required to view the footage.

Any discs, portable drives or other storage media into 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 a 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 and 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 with roller shutters at the front when closed.

Spirits of high ABC will be stored behind the counter

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.
- (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 premises, 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 of refusal.

(ii) Item refused

(iii) Name and 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.

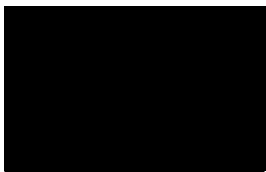
ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

ANNEX 4 – PLANS OF PREMISE

As outlined in the operating schedule and attached plan

Date Granted: 16 November 2018

Date Commences/Varied: 26 October 2018



Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR(A)1694**THIS LICENCE IS ISSUED BY**

LICENSING
 Flint Street Depot
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NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

[REDACTED]

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

tv [REDACTED]

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

[REDACTED]

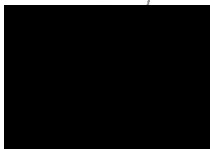
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence

Date Granted: 16 November 2018

Date Commences/Varied: 26 October 2018



Head of Public Protection Service

Relevant Sections of Secretary of State Guidance – Under Section 182 of Licensing Act 2003

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).

2.3 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.

2.5 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.

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.