

Name of meeting: Licensing Panel

Date: Wednesday 6th November 2019, at 11.15am – Huddersfield Town Hall, Ramsden Street, Huddersfield

Title of report: Application for Review Hearing under S51 Licensing Act 2003: JC's Convenience Store, 607 Wakefield Road, Waterloo, Huddersfield, HD5 9XF

Purpose of report: To determine the application

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?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Russell Williams – Group Leader Licensing (as agreed by Karl Battersby – Strategic Director – Economy and Infrastructure)
Is it also signed off by the Service Director (Finance)?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not applicable
Cabinet member portfolio	Cllr Rob Walker

Electoral wards affected: Dalton

Ward councillors consulted: Not Applicable

Public or private: Public

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

1 Summary

- 1.1 On 11th September 2019, West Yorkshire Police made an application for the review of the premises licence at JC's Convenience Store, 607 Wakefield Road, Waterloo, Huddersfield, under Section 51 of the Licensing Act 2003. The applicant believes that the licensing objectives of the prevention of crime and disorder, the protection of children from harm and public safety are not being achieved at the premises.
- 1.2 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 JC's Convenience Store is a licensed premises selling groceries, cigarettes and tobacco products and alcohol.
- 2.1.2 The store was visited on a joint partnership operation on 7th September 2019. Four packs of different branded tobacco products were open on the counter with a number of cigarettes missing from each packet.
- 2.1.3 The owners vehicle was parked outside the store which was found to contain a substantial amount of none duty paid tobacco products.
- 2.1.4 The owner admitted paying staff in cash to avoid tax and national insurance.
- 2.1.5 The total amount of cigarettes seized were 489 packs of 20 cigarettes, and 15 packs of hand rolling tobacco, with an approximate value of £5640.
- 2.1.6 Licensing conditions were breached as the CCTV system was not fit for purpose at the time of the visit.
- 2.1.7 There were several other issues in relation to the premises, the premises licence was not displayed, a leather diary showed items were being taken by a named person on credit terms and paid for at a later date and the name Rothmans appeared which is not a UK recognised brand of cigarettes.
- 2.1.8 A large number of clear self-seal bags of numerous sizes were displayed behind the counter. It is not illegal to sell or be in possession of these types of bag. –The self-seal bags were found alongside Cannabis grinders and hemp flavoured - cigarette papers brand rizla which were also on sale.
- 2.1.9 Full details of the review application, including the information received from Trading Standards can be found at **Appendix A**.
- 2.1.10 The current premises licence was first issued on 29 September 2018, under premises licence number PR(A)1690; a copy of the premises licence is attached 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 4 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 Safe Guarding 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 applicant 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 Act. 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)1690

9.3 Appendix C – Relevant sections of Secretary of State Guidance

10 Strategic Director responsible

Karl Battersby – Strategic Director Economy and Infrastructure
Tel: 01484 221000
Email: karl.battersby@kirklees.gov.uk



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 K.Jagger 4346

- 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:

J.C.'s Store, 607 Wakefield Road, Waterloo.

Town/City: Huddersfield

Postcode: HD5 9XF

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

██████████

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

██████████

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. P.C

Surname: Jagger

Forename(s): Kathryn

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 been found with a large number of none duty paid tobacco products both inside the shop, as well as being stored in the vehicle of the owner that was parked up at the store. The owner also admits paying staff in cash to avoid tax and national insurance. There was evidence that cigarettes are being sold individually, known as singles. Licensing conditions were breached as the cctv system was not fit for purpose at the time of the visit. The total amount of cigarettes seized were 489 packs of 20, and 15 packs of hand rolling tobacco, with an approximate value of £5640.

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 7th September 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.

A visit was carried out to J.C's store at Waterloo, Huddersfield where the illegal tobacco products were found to be in the shop.

Four packs of different branded tobacco products were open on the counter, with a number of cigarettes missing from each packet. This leads both WYP and trading standards to believe the illegal sale of single cigarettes were being made to the public. On the whole, the general market who buy single cigarettes are persons under the age of 18 who cannot afford to buy a full packet of cigarettes, even if they are illegal ones being sold at £4.00 per 20. (Exhibit JC1 STATEMENT)

The owners car was parked up outside where a substantial amount of none duty paid tobacco products were further found. (Exhibit JC1 STATEMENT)

This has impacted on both the crime and disorder objective, as well as public safety.

As well as the illegal products being found, there was a serious breach of the licence conditions as the CCTV was not working, the owner could not operate the system, and cameras were defective. The shop has a very robust licence condition attached to the licence covering the use of CCTV, which was volunteered by the applicant at the time the licence was applied for. This impacts on the public safety objective.

Because of the serious nature of the offence, and the amount involved, the owner was asked in for a formal police interview where he admitted the offence. (Exhibit JC 2 Officer interview statement)

During the same interview, ██████████ stated all his employees are paid cash in hand, thus avoiding tax and national insurance. This again impacts on the crime and disorder objective, as well as fraudulently denying the government of tax revenue. In the long term this will also impact on his employees due to their national insurance contributions going towards their own state pension. (Exhibit JC2 Interview statement)

This shop has been trading under 12 months, during this time it has been proven that the owner ██████████ who is also the premises licence holder and DPS has disregard for employment law, licensing law and is avoiding tax.

He has disregard for public safety, and the crime and disorder licensing objectives.

Therefore we ask the panel to seriously consider the revocation of this premises licence.

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:  Date: 11/09/19
Capacity: Police Constable

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, 5B**

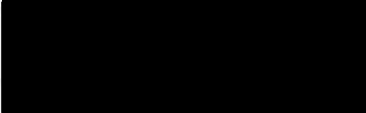
Statement of: Babul Hussain

Age of witness: (if over 18 enter 'over 18') Over 18




Occupation: Regulatory Compliance 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.

Dated: 26/09/19


Signature: 

I am a Regulatory Compliance Officer employed by West Yorkshire Trading Standards Service (WYTSS). I am an authorised officer for the purposes of the Trade Marks Act 1994, Consumer Rights Act 2015, the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Regulations 2015.

On Saturday 7th September 2019 I was in uniform when I attended at JC's, 
WAKEFIELD ROAD, HUDDERSFIELD,  to conduct an inspection visit along with colleagues from West Yorkshire Police. Working at the store, behind the counter, was  who was served with a Notice of Powers and Rights form and the Consumer Rights Act 2015 - Entry Notice.

I spoke with  confirmed he understood English and owned the business and then explained the reason for our attendance.

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

(Signed) 

Dated..... 26/9/19 **Page 1 of 3**

WITNESS STATEMENT

**Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B**

Illegal tobacco was found behind the counter and in a vehicle belonging to Mr [REDACTED] outside. The business also did not display an A3 tobacco notice stating "It is illegal to sell tobacco products to anyone under the age of 18" in violation of the Children and Young Persons (Protection from Tobacco) Act 1991.

Total amount recovered was 489 x 20 packets of Cigarettes and 15 x 50g pouches of Hand Rolling Tobacco. I visually examined some of the brands of cigarettes. These tobacco products were not in the standardised format as required by The Standardised Packaging of Tobacco Products Regulations 2015, and some were in violation of the Tobacco and Related Products Regulations 2016 as the prescribed health warnings were not present in English. I suspect some of the products are also counterfeit in violation of The Trade Marks Act 1994.

I explained to [REDACTED] why the products were illegal and that they would all be seized. I advised [REDACTED] that he will be considered for prosecution and he must cease his illegal trading.

A Record of Property Seized was completed for the recovered items, a copy of which was left with [REDACTED] in the store.

[REDACTED] offered no mitigation for the illegal trade that was taking place except that other shops in the area were also selling illegal tobacco.

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

(Signed) [REDACTED]

Dated 26/9/19 Page 2 of 3

WITNESS STATEMENT

**Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B**

The statutory health warnings which are absent on these tobacco products include "Smoking Kills" and "Smoking seriously harms you and others around you". These warnings were implemented in an effort to enhance the public's knowledge about the dangers and risks of using such tobacco products.

The supply of cheap and illicit tobacco significantly undermines the government's policy of using tax to maintain the high price of tobacco and help reduce smoking.

Dealers in cheap and illicit tobacco products reap the financial benefits of supplying cheap cigarettes and tobacco at the expense of legitimate retailers by providing unfair competition to shops selling the genuine tax paid products. This may lead to honest retailers closing down and causing local economies to suffer.

The Premises Licence holder, who is also the business owner, has been notified of the seizure and offered no explanation as to the illegal trade that is taking place. By selling Counterfeit and smuggled tobacco products he has shown a blatant disregard for the law and West Yorkshire trading Standards, as a Responsible Authority, considers the matters outlined above to be extremely serious. As smuggled tobacco has been purchased from and found on this premise, it therefore recommends a full revocation of the premises licence.

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

(Signed) 

Dated.....26/9/19..... Page 3 of 3

WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;
Criminal Procedure Rules, Rule 27.2)

NICHE Ref. No:

URN:

Statement of: PC 58 STEVE NICHOLLS

Date of birth: Over 18

Occupation: POLICE OFFICER

This statement (consisting of: 3 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: STEVEN NICHOLLS

Date: 10/09/2019

Time and date statement taken: 14.19 10/09/2019

Check box if witness evidence is visually recorded (supply witness details on rear)

I am a Police Officer employed by West Yorkshire Police and currently stationed at HUDDERSFIELD Police station.

I am tasked daily to work in uniform as the Police Town centre ward manager with responsibility for PROBLEM SOLVING, PARTNERSHIP working and REPEAT CALLS FOR SERVICE.

I have over the last 2 year period organised, planned and executed specific targeted operation against retail premises that are involved in the sales of illicit and non-duty paid goods and in other associated criminality.

These operations are run under the Kirklees division operational name of THISTLEMERE.

On Saturday 7th September 2019 a planned operation was run under OPERATION THISTLEMERE 5 with assistance from West Yorkshire joint services (TRADING STANDARDS).

I was the Operation planner for THISTLEMERE 5 and identified the target premise through intelligence and from TEST purchase results that had been conducted prior to the Operation.

One premise highlighted was a small retail outlet called JCs convenience store located at Wakefield road. Huddersfield.

This is a licenced premise that has a premise licence () granted by Kirklees council.

On arrival at approximately 10.50HRS the premise was open for business and the sole person behind the counter was conducting sales of cigarettes to a number of customers who were present prior to our arrival. It was noted that on our arrival that the cigarette gantry located behind the counter was fully open exposing the contents to any person in or looking in from outside. This could be both adults and young persons. It appeared that the open gantry was a regular practice and in the time we were waiting for the customers to leave there was no attempt to close the roller shutter.

Leaving the gantry open is in breach of the Tobacco regulations Act as the only time the gantry should be briefly opened is to conduct a sale, restocking or for inspection by Police Officers or other authorised Officers.

Once the customers departed Officers from Trading standards introduced themselves to the salesperson and informed him of their powers to attend and that they would be conducting checks under their powers. He was also informed that West Yorkshire Police would be assisting and WYP would be conducting checks under S179 of the licencing Act to check on licencing activities.

The salesperson then identified himself as

Signature: STEVEN NICHOLLS

Signature witnessed by:

NICHE Ref. No:	██████████	URN:	
----------------	------------	------	--

Continuation Statement of STEVE NICHOLLS

And that he was the business owner, premise licence holder and designated premise supervisor. He confirmed his home address as ██████████

It was confirmed that there was no other person present at the store and that he was in charge.

The premise is a very small single storey detached premise with glass frontage and a single entrance doorway.

The counter was located across the back of the sales area.

The premise was clean and bright in appearance and was extensively stocked with goods displayed on display shelving. There was also large amounts of stock that was stacked on the floor in the middle of the sales area restricting movement.

Extensive amounts of alcohol was on sale and was clearly price marked.

The tobacco gantry was large in size and located directly behind the sales counter. As described earlier it was fully open but did have a roller type door that was retracted at the top allowing it to closed when not conducting sales. The gantry had a large range of duty paid compliant tobacco products within that were priced accordingly.

Upon attending at the rear of the counter I could immediately see a number of items that raised suspicions surrounding illicit products and the sales of single cigarettes to customers.

Immediately under the sales counter I could see **4 OPENED** packets of cigarettes that would have initially contained 20 cigarettes but all had some missing. These packets were of different brands.

I am aware that the sales of cigarettes must be in packets of 20, and anything less are forbidden by law and would be in breach of the TOBACCO ACT.

I can only presume that these opened packets were for conducting sales of SINGLE cigarettes and that this is illegal. This may be to young persons who are the general purchaser of singles due to the cheap cost that is within a young person's budget.

I could also see sleeves of 200 cigarettes located both under the shop counter and to the rear of the counter on shelving under the cigarette gantry. These were of a design and appearance that made me believe they were not UK compliant and were either non duty paid goods or illicit counterfeit goods.

I brought these to the attention of the TRADING STANDARDS Officers present to seize, record and retain as evidence. They will produce a separate statement indicating number of items seized and the approximate street values.

During the search of the premise it was highlighted by ██████████ that he had a car parked immediately outside the shop and that it was a ██████████ bearing registration Mark. ██████████

██████████ was in possession of the car keys and handed these over to TRADING STANDARDS Officers and police to search for any other goods or evidence in relation to illicit goods.

On searching the vehicle and within the boot area it was discovered that the area normally used for securing a spare wheel had been used for storing a large amount of illicit tobacco goods.

These items were seized and totalled 489 PACKETS containing 20 cigarettes each totalling 9870sticks of cigarettes.

There was also 15 packets of hand tolling tobacco (HRT).

Subsequent enquiries with trading standards Officer Paul KEAR a regulatory compliance Officer states a street value **IF GENUINE** and using an average RRP would be a total value of **£5,641.53**.

If all these items were illicit using an average street price the total value would be £2632.50

.....

Signature: STEVEN NICHOLLS

Signature Witnessed by:

NICHE Ref. No:	██████████	URN:		
----------------	------------	------	--	--

Continuation Statement of STEVE NICHOLLS

I believed I had sufficient evidence to record a number of criminal evidences in relation to the supply of tobacco goods that breached numerous laws and Acts and that the use of the vehicle was involved in facilitating the crime. After liaising with the duty Inspector, Inspector RABY he authorised the seizing and recovery of the ██████████ as USED IN CRIME.

The recovery operator was requested and arrived a short time later. The vehicle was recovered to UNIT ONE RECOVERY.

It was noted after speaking to ████████ that there was no working fire extinguisher within the building and there was no first aid provision to be used on staff or customers if required.

There was CCTV visible within the premise and a CCTV monitor was located within the sales area showing both internal and external areas.

I was informed by ████████ that he could operate it and produce copies of footage if required.

The premise licence was NOT on display as required but upon request was found within paperwork located under the counter area.

Whilst searching behind the counter I located a leather look bound diary that had numerous daily entries that had been handwritten. The content appeared to show that items were being taken by named person on credit terms and paid for at a later date. To do this legally you would need to be a licenced credit supplier.

On requesting an initial account on some of the entries ████████ confirmed that he did sell packets of 20 cigarettes for £4 per packet and that these were not UK duty paid goods.

One entry clearly showed 3 x ROTHMANS for £12.

ROTHMANS are not a UK recognised brand.

It was also found that there was a large number of electrical chargers / cables that did not display the required CE regulatory marking and therefore non-compliant. These were seized by TRADING standards. It was also noted that there was 2 display boxes containing perfume products on top of the cigarette gantry and these were displayed for sale. On examination they appeared fake and breaching trade mark entitlement. These were also seized by trading standards.

It was noted that this premise sells small clear self-seal bags of numerous sizes and these were stocked in large amounts on shelving directly behind the counter. Although not illegal to sell or be in possession of they only have one general use and that is for the supply of drugs.

I am not suggesting that ████████ is involved in drug supply but being involved in and promoting their sales does not protect young people from harm which is one of the licencing objectives under the licencing Act.

This also applies to the sales of cannabis grinders and hemp flavoured rizzlas papers which again were on sale.

██████ was informed prior to my departure that the full facts of today's visit would be transmitted to Kirklees licencing team for consideration of a premise review. He was also informed that I would be inviting him in to the police station to allow a voluntary attendance interview in relation to numerous offences conducted whilst selling illicit counterfeit tobacco products.

██████ was fully compliant, polite and understood what was being said in English.

Signature: STEVEN NICHOLLS

Signature Witnessed by:

WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;
Criminal Procedure Rules, Rule 16.2)

NICHE Ref. No:	<input type="text"/>	URN:	<input type="text"/>
Statement of:	PC 58 Steve Nicholls		
Date of birth:	Over 18	Occupation:	Police Officer
This statement (consisting of: 2 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:	<input type="text"/>	Date:	11/09/19
Time and date statement taken: 11/09/19			

Check box if witness evidence is visually recorded (supply witness details on rear)

I can now confirm that I have interviewed with regards to the offences surrounding the sales of illicit tobacco products on Saturday 7th September 2019.

He admitted that he does sell illicit tobacco products to others on a regular basis and that they are repeat customers, he keeps the money received from these sales separate from his till sales for his other stock.

He claims he purchases from a male called on a regular basis and provided some basic description and details of this male.

He understands fully about UK legal tobacco products and the difference between them and illicit products and fully accepts that he is in charge of a licence premise and that sales of illicit goods cannot happen.

He confirmed he employs who work in his shop when he is not there. They are paid cash in hand and are not currently shown designated anywhere or have insurance, National Insurance contributions, tax or pension scheme.

With regards to the premise alcohol licence he has breached his conditions due to the fact that during interview stated that the CCTV at his premises is currently not working correctly and that he cannot access it because he has lost password. He indicated that some of his cameras have been damaged.

On his alcohol licence it states the below:

1) CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly regarding facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside and rear areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 28 days.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, and able to

Signature: PC Steve Nicholls

Signature witnessed by:

NICHE Ref. No:	██████████	URN:		
----------------	------------	------	--	--

Continuation Statement of PC 58 Steve Nicholls

produce it to a Police Officer and/or an authorised Local Authority/Council Trading Standards Officer on demand and in a viewable format.

The CCTV equipment shall be kept in a secure environment under the control of the DPS or other responsible named individual.

The Management will monitor the exterior of the premises using CCTV and use their best endeavours to disperse any persons who appear to be congregating outside the premises."

Signature: PC Steve Nicholls

Signature Witnessed by:

PREMISES LICENCE

Licensing Act 2003

PR(A)1690**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

JCS
Jcs Convenience Store
 Wakefield Road
 Waterloo
 Huddersfield

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 - 23:59

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Sunday	07:00	23:59

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]
 [Redacted Address]
 [Redacted Telephone Number] [Redacted Email]

Mobile Number [REDACTED]

Mobile Number [REDACTED]

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]
[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:

[REDACTED]

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

1) CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly regarding facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside and rear areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 28 days.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, and able to produce it to a Police Officer and/or an authorised Local Authority/Council Trading Standards Officer on demand and in a viewable format.

The CCTV equipment shall be kept in a secure environment under the control of the DPS or other responsible named individual.

The Management will monitor the exterior of the premises using CCTV and use their best endeavours to disperse any persons who appear to be congregating outside the premises."

2) LED security lighting shall also be fitted to the rear of the premises covering the parking areas, and shall be maintained so as to provide lighting during the hours of darkness."

3) Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local businesses & residents and to leave the premises and the area quickly and quietly.

4) Movements of bins outside of the premises will be kept to a minimum after 23:00hrs.

5) Challenge 25 policy will be adopted.

6) Refusals log book will be kept on the premises at all times.


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: 29 September 2018

Date Commences/Varied: 29 September 2018

A handwritten signature in black ink, appearing to read "J. Blawie". The signature is written in a cursive style with a large, looping initial "J".

Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR(A)1690

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

JCS
Jcs Convenience Store
Wakefield Road
Waterloo
Huddersfield

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 - 23:59

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Sunday	07:00	23:59

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 OF HOLDER OF PREMISES LICENCE

[Redacted Name and Address]

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

██████████

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

██████████

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: 29 September 2018

Date Commences/Varied: 29 September 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).

2.2 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.

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.

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.

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.

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 Act¹, 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 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.