Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Thursday, 17 February 2022

TO: COUNCILLORS N DELANEY, J MEE AND G JOHNSON

Dear Councillor,

A meeting of the **LICENSING & GAMBLING SUB-COMMITTEE** will be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF** on **MONDAY, 28 FEBRUARY 2022** at **10.30 AM** at which your attendance is requested.

Yours faithfully

Jacqui Sinnott-Lacey
Chief Operating Officer

AGENDA
(Open to the Public)

1. APOLOGIES

2. MEMBERSHIP OF THE COMMITTEE
To be apprised of any changes to the membership of the Sub–Committee in accordance with Council Procedure Rule 4.

3. URGENT BUSINESS
Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

4. DECLARATIONS OF PARTY WHIP

Party Whips are not to be used by this Committee in respect of functions concerning the determination of new Licence Applications, Revocations and Appeals. When considering any other matter which relates to a decision of the Cabinet, in accordance with Regulatory Committee Procedure Rule 9, Members must declare the existence of the Committee's deliberations on the matter.

5. DECLARATIONS OF INTEREST 37 - 38

If a Member requires advice on Declarations of Interest, he/she is advised to contact the Legal and Democratic Services Manager in advance of the meeting. (For the assistance of Members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet).

6. MINUTES 39 - 40

To note the Minutes of the meeting held on 4 November 2021.

7. LICENSING HEARING PROCEDURE 41 - 42

8. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF ORMSKIRK SUPERSTORE, 16 AUGHTON STREET, ORMSKIRK 43 - 70

To consider the report of the Corporate Director Of Place and Community.

We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.

FIRE EVACUATION PROCEDURE: Please see attached sheet.
MOBILE PHONES: These should be switched off or to 'silent' at all meetings.

For further information, please contact:-
Kirsty Breakell on 01695 583312
Or email kirsty.breakell@westlancs.gov.uk

FIRE EVACUATION PROCEDURE FOR:
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT
(52 DERBY STREET, ORMSKIRK)

PERSON IN CHARGE:	Most Senior Officer Present
ZONE WARDEN:	Member Services Officer / Lawyer
DOOR WARDEN(S)	Usher / Caretaker

IF YOU DISCOVER A FIRE

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

ON HEARING THE FIRE ALARM

1. Leave the building via the **NEAREST SAFE EXIT. Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE.**
3. **Do NOT** return to the premises until authorised to do so by the PERSON IN **CHARGE.**

NOTES:
Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.
The only persons not required to report to the Assembly Point are the Door Wardens.

CHECKLIST FOR PERSON IN CHARGE

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and informed any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and informed any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE.**
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL.**
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

NOTE:
The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

CHECKLIST FOR ZONE WARDEN

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS,** both officers and members of the public are made aware of the **FIRE ALERT.**
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY,** in accordance with the **FIRE EVACUATION PROCEDURE.**
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

INSTRUCTIONS FOR DOOR WARDENS

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT.**
3. Ensure that **NO PERSON,** whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE.**
5. Do not leave the door **UNATTENDED.**

MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

	General		Notes
1.	I have a disclosable pecuniary interest.	☐	*You cannot speak or vote and must withdraw unless you have also ticked 5 below*
2.	I have a non-pecuniary interest.	☐	*You may speak and vote*
3.	I have a pecuniary interest **because**		
	it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) **and** the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	☐	*You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below*
	or		
	it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) **and** the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	☐	*You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below*
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of:		
(i)	Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.	☐	*You may speak and vote*
(ii)	school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.	☐	You may speak and vote
(iii)	Statutory sick pay where I am in receipt or entitled to receipt of such pay.	☐	*You may speak and vote*
(iv)	An allowance, payment or indemnity given to Members	☐	*You may speak and vote*
(v)	Any ceremonial honour given to Members	☐	*You may speak and vote*
(vi)	Setting Council tax or a precept under the LGFA 1992	☐	*You may speak and vote*
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 15/09/20 – 14/09/24)	☐	*See the terms of the dispensation*
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	☐	*You may speak but must leave the room once you have finished and cannot vote*

'disclosable pecuniary interest' (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest	***Prescribed description***
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) 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 the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;

"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI; "relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

'non pecuniary interest' means interests falling within the following descriptions:

10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

(iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.

10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

'a connected person' means

(a) a member of your family or any person with whom you have a close association, or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

'body exercising functions of a public nature' means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

LICENSING & GAMBLING SUB-COMMITTEE **HELD: Thursday, 4 November 2021**
Start: 1.30 pm
Finish: 3.20pm

PRESENT:

Councillor: N Delaney (Chairman)

Councillors: P O`Neill J Witter

In attendance: Michael Parker, Applicant
Adele Preston
Sergeant Houghton

Officers: Kay Lovelady, Legal & Democratic Services Manager
Michaela Murray, Senior Licensing Officer
Kirsty Breakell, Member Services Officer
Andrew Smith, Legal Assistant
Claire Kelly, Principal Solicitor

9 **APOLOGIES**

There were no apologies received.

10 **MEMBERSHIP OF THE COMMITTEE**

There were no changes to the Membership of the Committee.

11 **URGENT BUSINESS**

There were no urgent items of business.

12 **DECLARATIONS OF PARTY WHIP**

There were no declarations of Party Whip.

13 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

14 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 9 September 2020 be noted.

15 **LICENSING HEARING PROCEDURE**

The Legal and Democratic Services Manager briefed everyone on the hearing procedure.

16 **APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR IN RESPECT OF JYNX, WITHAM ROAD, SKELMERSDALE, WN8 8HP**

The Council's Licensing Sub-Committee (the Sub-Committee) considered an application to vary a premises license to specify an individual as designated premises supervisor in respect of Jynx, Witham Road, Skelmersdale WN8 8HP.

RESOLVED: The Committee concluded that as a result of the reasons outlined at the hearing, the application to vary the licence in order to name Michael Parker as DPS be GRANTED.

In accordance with Section 39 (6) the Variation will take effect immediately

……..
Chairman

WEST LANCASHIRE BOROUGH COUNCIL

LICENSING SUB COMMITTEE

HEARING PROCEDURE

1. The Chairman introduces the Members and the main Officers.

2. The Chairman invites the other parties to the hearing to introduce themselves.

3. The Chairman refers to this procedure, which will be followed.
(NB. The Chairman will explain that he will allow the parties to proceed without specific time constraints).

4. The Chairman asks the Director Leisure and Wellbeing (or their representative) to outline the application.

5. Applicant's case

   (a) The Applicant (or representative) will present their case. This will include general opening remarks followed by calling witnesses.

   (b) The other parties to the hearing may then ask questions of the Applicant and witnesses, commencing with each Responsible Authority (if present) and concluding with the Sub-Committee.

6. Relevant representations – Responsible Authorities (if present)

   (a) Each Responsible Authority (or representative) will present their case. This will include general opening remarks followed by calling witnesses.

   (b) The other parties to the hearing may then ask questions of each Responsible Authority and witnesses, commencing with the Applicant and concluding with the Sub-Committee.

7. Relevant Representations – Interested Parties (if present)

   (c) Interested Parties will be asked by the Chairman if they wish to elect a spokesperson or representative (or speak individually). Interested Parties will present their case. This will include general opening remarks followed by calling witnesses.

(d) The other parties to the hearing may then ask questions of the Interested Parties and witnesses, commencing with the Applicant and concluding with the Sub-Committee.

8. If several representations (objections) have been received, Interested Parties may question the Applicant and witnesses in turn in an order to be determined by the Chairman. The same order will follow when it comes to the Interested Parties being questioned.

9. The Chairman to ask all parties and the Sub-Committee if they have any further relevant questions or comments arising from the hearing.

10. Interested Parties, Responsible Authorities and the Applicant to make their closing address in that order (so that the Applicant has the final say).

9. The Chairman will ask the Legal Adviser whether there are any other matters to be raised or resolved before the hearing is closed for deliberations.

10. The Sub-Committee will retire to determine the application calling the Legal Advisor and Member Services Officer as needed.

11. When the Sub-Committee returns the Chairman will announce the decision and give reasons. All parties to the hearing will receive confirmation of the decision in writing within five working days.

End.

If any of the parties, representative or observers, wish to discuss any matters relating to the hearing, Officers will be available at the conclusion of the hearing.

LICENSING SUB-COMMITTEE

Report of: Corporate Director Of Place and Community

Contact for further information: Michaela Murray(Extn 5315)
(E-mail: michaela.murray@westlancs.gov.uk)

SUBJECT: APPLICATION FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF ORMSKIRK SUPERSTORE, 16 AUGHTON STREET, ORMSKIRK

Borough wide interest

1.0 PURPOSE OF REPORT

1.1 To consider an application under the Licensing Act 2003 (the Act) for the Review of a Premises Licence in respect of Ormskirk Superstore, 16 Aughton Street, Ormskirk L39 3BW

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

3.1	Address of Premises:	Ormskirk Superstore 16 Aughton Street Ormskirk L39 3BW
3.2	Premises Licence Holder:	Mr Farhad Salehi 8 Zetland Street Southport PR9 OSB
3.3	Designated Premises Supervisor:	Mr Farhad Salehi 8 Zetland Street Southport PR9 OSB

4.0 BACKGROUND INFORMATION

4.1 The Premises Licence held in respect of Ormskirk Superstore, 16 Aughton Street, Ormskirk is attached as Appendix 1 to this report.

4.2 A location plan of the premises and the surrounding area is attached as Appendix 2 to this report.

5.0 THE APPLICATION FOR REVIEW

5.1 In accordance with the Act, on 4 January 2022 Lancashire County Council Trading Standards Service submitted an application for the Review of the Premises Licence in respect of Ormskirk Superstore, 16 Aughton Street, Ormskirk. The grounds for the Review as stated in the application are:

The application for review is submitted by Lancashire County Council Trading Standards Service on the grounds that the licensing objective relating to the prevention of crime and disorder and the protection of children from harm is not being observed at Ormskirk Superstore, 16 Aughton Street, Ormskirk L39 3BW.

The Premise Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Mr Farhad SALEHI.

The Trading Standards Service has received a number of complaints in relation to underage sales and the supply of illicit tobacco from this shop. A packet of counterfeit Mayfair cigarettes was purchased by a 15 year old test purchaser on 9th August 2021, and 78 illicit tobacco products subsequently seized by Trading Standards on the same day.

Despite this enforcement visit, Trading Standards have continued to receive complaints alleging underage sales and the sale of illicit tobacco. A test purchase of e-cigarettes was attempted on 22nd December 2021. The 14 year old test purchaser was sold 2 'Geek Bars' containing nicotine.

Therefore, the Licensing Committee is encouraged to consider revocation of the relevant premises licence for Ormskirk Superstore.

5.2 A copy of the full application for review is attached as Appendix 3 to this report.

5.3 In accordance with Section 51(3) of the Act, the relevant Notices detailing the aforementioned grounds for Review were displayed on the premises and in the immediate vicinity thereof, giving interested parties and responsible authorities, the right to make representations regarding the application for Review. The notice was also published on the Council's website. The Premises Licence Holder and Designated Premises Supervisor have been forwarded copies of the application for Review.

6.0 RELEVANT REPRESENTATIONS

6.1 A representation has been received from a Ward Councillor on behalf of members of the public. The representation has been made under the crime and disorder and protection of children from harm objectives. A copy of this representation is attached as Appendix 4 to this report.

7.0 ADDITIONAL INFORMATION

7.1 Lancashire Constabulary have provided a letter of support regarding this review application. A copy is attached as Appendix 5 to this report.

8.0 LICENSING POLICY AND LEGAL CONSIDERATIONS

8.1 The Licensing Authority must have regard to the provisions of the Act. In addition, Section 4 of the Act provides that a Licensing Authority must have regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under Section 182 of the Act.

8.2 The Council's Licensing Policy provides that licence holders should be given sufficient warning of any concerns regarding problems, which have been identified at the premises, and the need to make improvements. Licensees are expected to respond to such warning and implement the necessary remedial action. The message is clear that any failure to respond to such warnings would more than likely lead to a request for review of the licence.

8.3 As Members will be aware, the four licensing objectives are as follows:

- The Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- The Protection of Children from Harm

8.4 The Act provides that before determining a review application, the Licensing Authority must hold a hearing to consider it and relevant representations.

8.5 The Licensing Authority in determining a review application, having had regard to the application and any representations, may take the following steps if it considers it necessary for the promotion of the licensing objective:

(i) Modify the conditions of the licence
(ii) Exclude a licensable activity from the scope of the licence
(iii) Remove the Designates Premises Supervisor
(iv) Suspend the licence for a period not exceeding three months
(v) Revoke the licence

8.6 In deciding which of the powers to use it is expected that the Licensing Authority should, as far as possible, seek to establish the causes of the concerns that the representations identify. Any action the Committee may wish to take should generally be directed at these causes and should always be no more than an appropriate response in the cause of promoting the licensing objectives.

8.7 In particular, Members' attention is drawn to the following sections of the Policy, which must be read in conjunction with this report:

Section 4.0	Prevention of Crime & Disorder	pages 10/12
Section 12.0	Reviews and suspension	pages 37/39
Section 13.0	Appeals	pages 40

9.0 HUMAN RIGHTS ACT IMPLICATIONS

9.1 The Human Rights Act 1988 makes it unlawful for a Local Authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following convention rights;

Article 6
that in the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law;

Article 8
that everyone has the right to respect for his home and family life;

Article 1 of the First Protocol
that every person is entitled to the peaceful enjoyment of his/her possessions including for example, possession of a licence.

10.0 SUSTAINABILITY IMPLICATIONS

10.1 The Council's Licensing Policy (required under the Act), which underpins the Committee's decision, impacts upon many areas within the Community. The Committee must balance the Licensing Objectives contained in the Policy to ensure these impacts are suitably controlled.

11.0 FINANCIAL AND RESOURCE IMPLICATIONS

11.1 No additional financial or other resources are required.

12.0 RISK ASSESSMENT

12.1 The Council has a legal duty to administer the Act and is under a legal duty to determine the matter contained in this report. A failure to determine this matter would result in potential legal challenge.

13.0 HEALTH AND WELLBEING IMPLICATIONS

13.1 There are no health and wellbeing implications arising from this report.

Background Documents

There are no background documents (as defined in Section 100 D (5) of the Local Government Act 1972) have been relied on to a material extent in the preparation of this report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Premises licence	(Appendix 1)
Location Plan	(Appendix 2)
Application for Review	(Appendix 3)
Ward Councillor Representation	(Appendix 4)
Police support document	(Appendix 5)

West Lancashire Borough Council

HOUSING AND REGULATORY SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE, WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126 email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003

Premises Licence

LN/000009924

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION:

Ormskirk Superstore

16 Aughton Street, Ormskirk, Lancashire, L39 3BW. Telephone:

WHERE THE LICENCE IS TIME LIMITED THE DATES:

N/A

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

Off Sales **Alcohol Sale/Supply**			

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Activity	Location (if known)		Time From	Time To
Alcohol Sale/Supply	Whole Area	Monday	08:00	23:00
		Tuesday	08:00	23:00
		Wednesday	08:00	23:00
		Thursday	08:00	23:00
		Friday	08:00	23:30
		Saturday	08:00	23:30
		Sunday	08:00	23:00

THE OPENING HOURS OF THE PREMISES:

Description	Days	Time From	Time To
Off Sales	Monday	08:00	23:00
	Tuesday	08:00	23:00
	Wednesday	08:00	23:00
	Thursday	08:00	23:00
	Friday	08:00	23:30
	Saturday	08:00	23:30
	Sunday	08:00	23:00

NON STANDARD TIMINGS:

None

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES:

Off Sales

West Lancashire Borough Council

HOUSING AND REGULATORY SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE, WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126 email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003

Premises Licence

LN/000009924

Part 2

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

Name: Mr Farhad Salehi
Address: 8 [redacted]

Telephone:
Email: [redacted]

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

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL:

Name: Farah Salehi
Address: [redacted]

Telephone:

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL:

Licence No: Issued by: Sefton Borough Council

West Lancashire Borough Council

HOUSING AND REGULATORY SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE, WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126 email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003

Premises Licence

LN/000009924

ANNEX 1 - MANDATORY CONDITIONS

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises 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. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
   (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

   a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
      (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
   b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
   c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
   d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
   e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) 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.
   (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
   (3) 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.

6. The responsible person shall ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

(i) beer or cider: ½ pint;
(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. 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.
2. For the purposes of the condition set out in paragraph 1 –
   (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" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the 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.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where
   (a) The film classification body is not specified in the licence, or
   (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and
“film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
   (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
   (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:
   (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
   (b) in respect of premises in relation to:
      (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
      (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.

3.For the purposes of this section:
   (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
   (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

The Mandatory Conditions on this licence are those that where in force at the time the Licence was printed, but that they are subject to amendment by Central Government. Current Mandatory Conditions can be viewed at www.gov.uk.

The premises licence holder should be warned that it is a requirement that they must comply with the Mandatory Condition in force not merely the ones contained on the licence.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The premises shall install and maintain a digital CCTV system

The CCTV system shall have sufficient hard drive storage capacity to store a minimum of 31 days.

The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises at the entrance.

A CCTV log will be completed on a weekly basis to record all elements of the CCTV System is maintained in good working order and recordings date and time stamped.

Only nominated staff shall be trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.

CCTV shall be continually recording during licensable hours.

In the event of a failure of the CCTV system for any reason, a record of the failure will be recorded in the premises log and immediate steps will be made to rectify the problem.

Proxy signs will be sited on the premises to deter proxy sales on behalf of under 18’s.

The DPS will provide training to staff in relation to alcohol sales and to authorise the employees the DPS considers competent to sell alcohol on their behalf in writing. A written sale of Alcohol register will be maintained at the premises.

An incident log must be kept at the premises. Log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an authorised person' (as defined by section 13 of the Licensing Act 2003), an authorised trading standards officer or the police, and must record the following;

(a) All crimes reported to the premises (where relevant to the licensing objectives)

(c) Any incidents of disorder

When the designated premises supervisor is not on duty, a contact telephone number will be available at all times.

All spirits will be stored and sold behind the counter.

Roller shutters have been installed at the front and a steel security door at the rear of the premises

Prominent, clear and legible signage shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly. (Quiet Notice).

All deliveries of good will be received at the rear of the premise.

All waste products will be stored in a suitable receptacle at the rear of the premise.

No exterior lights apart from the rear security light fixed to the premises, will cause annoyance to any residential property.

A written register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected by the designated premises supervisor and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer the local authority/council on demand.

All staff engaged in the sale of alcohol to be trained in Challenge 25. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer of the local authority/council on demand

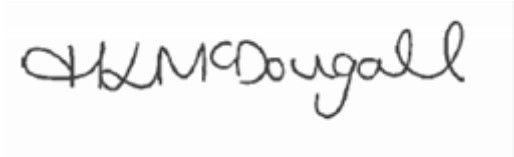
The premises shall operate a Challenge 25 policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand by the police, an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised Trading Standards Officer.

Prominent, clear and legible Challenge 25 signage shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.

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

XXXX

Dated: 15 February 2022



Corporate Director Of Place and Community

West Lancashire Borough Council

HOUSING AND REGULATORY SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE, WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126 email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003

Premises Licence

LN/000009924

ANNEX 4 - PLANS

MARKET
CROSS
Clock Tower
Alexander
House
48.2m
MOOR STREET
Bank
Store
Car Park
Arcadia
House
14 to 18
AUGHTON STREET
TCBs
TCB
LB
Head
Post Office
MARKET WAY
Car Park
PCs
Queen's
Head
(PH)
Monument
The Mall
PH
48.8m
Market
Community
Centre
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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 Sam McConnell,
(Insert name of applicant)
apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Ormskirk Superstore 16 Aughton Street	
Post town Ormskirk	**Post code (if known)** L39 3BW

Name of premises licence holder or club holding club premises certificate (if known) Mr Farhad Salehi

Number of premises licence or club premises certificate (if known) LN/000009924

Part 2 - Applicant details

I am

	Please tick yes
1) an interested party (please complete (A) or (B) below)	
a) a person living in the vicinity of the premises	☐
b) a body representing persons living in the vicinity of the premises	☐
c) a person involved in business in the vicinity of the premises	☐
d) a body representing persons involved in business in the vicinity of the premises	☐
2) a responsible authority (please complete (C) below)	☒

3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title ☐ (for example, Rev)

Surname	**First names**

I am 18 years old or over **Please tick yes** ☐

Current postal address if different from premises address	

Post town		**Post Code**	

Daytime contact telephone number	

E-mail address (optional)	

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sam McConnell Lancashire County Council Trading Standards Service 4th Floor, Lancashire Point County Hall Pitt Street Preston Lancashire PR1 0LD	
Telephone number (if any)	01772 532228
E-mail address (optional)	[redacted]

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

1) the prevention of crime and disorder ☒
2) public safety ☐
3) the prevention of public nuisance ☐
4) the protection of children from harm ☒

Please state the ground(s) for review (please read guidance note 1)

The application for review is submitted by Lancashire County Council Trading Standards Service on the grounds that the licensing objective relating to the prevention of crime and disorder and the protection of children from harm is not being observed at Ormskirk Superstore, 16 Aughton Street, Ormskirk L39 3BW.

The Premise Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Mr Farhad SALEHI.

The Trading Standards Service has received a number of complaints in relation to underage sales and the supply of illicit tobacco from this shop. A packet of counterfeit Mayfair cigarettes was purchased by a 15 year old test purchaser on 9th August 2021, and 78 illicit tobacco products subsequently seized by Trading Standards on the same day.

Despite this enforcement visit, Trading Standards have continued to receive complaints alleging underage sales and the sale of illicit tobacco. A test purchase of e-cigarettes was attempted on 22nd December 2021. The 14 year old test purchaser was sold 2 'Geek Bars' containing nicotine.

Therefore, the Licensing Committee is encouraged to consider revocation of the relevant premises licence for Ormskirk Superstore.

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

PREVENTION OF CRIME AND DISORDER / PROTECTION OF CHILDREN FROM HARM

29/03/21 – complaint received from member of the public who was unhappy with the fact that the shop had cannabis images and cannabis paraphernalia including bongs and grinders displayed in the window.

12/04/21 – Visit to the premises by Trading Standards. Advice was given in relation to Check 25 policies and procedures. It was noted that the premises licence was not displayed at the time of the visit. A statutory A3 tobacco notice stating that 'it is illegal to sell tobacco products to anyone under the age of 18' was not displayed. There was no system of recording sales that had been refused, no evidence of a Challenge 25 policy in place, no documented staff training, and no point of sale literature displayed.

The doors to the tobacco gantry were open. The staff member, Hama BAKR was advised to keep it closed. Mr BAKR stated that the owner of the business was a Mr FARHAD.

09/06/21 – Anonymous complaint received that the shop was selling cheap illegal tobacco from under the counter.

18/06/21 – Anonymous complaint received about the sale of cheap cigarettes. The shop was allegedly pushy about offering the cheap cigarettes from under the counter.

23/06/21 – Complaint received from a local Councillor that alcohol was being sold to underage youngsters at the shop.

09/08/21 – A packet of cigarettes was purchased by an underage test purchaser acting under the instructions of Trading Standards. The 15 year old volunteer asked for a packet of Mayfair cigarettes and the male in the shop sold her a packet of cigarettes which were not in plain packaging as required by law, and were suspected to be counterfeit. The shop was inspected moments later and 78 illicit tobacco products were discovered behind the counter and seized by Trading Standards under the Consumer Rights Act 2015. These products, along with the test purchased Mayfair cigarettes, have since been examined and the majority have been confirmed as counterfeit by the tobacco company brand representatives. The products also had not had any duty paid on them. They were not in plain packaging and did not possess the correct health warnings on the packs.

The male working in the shop who sold the cigarettes to the test purchaser was Mr Dane HAMA. Investigations are ongoing.

25/10/21 – Complaint received from a member of the public. The complainant stated that their 14 year old son and his friends were regularly sold vaping products even when in school uniform.

09/12/21 – Complaint from member of the public about underage sales of alcohol and e-cigarettes.

21/12/21 – Complaint received from member of the public about underage sales of e-cigarettes, in particular 'Geek Bars' which are disposable vaping devices containing nicotine.

22/12/21 – A test purchase of e-cigarettes was attempted on 22nd December 2021. The 14 year old test purchaser was sold 2 'Geek Bars' containing nicotine. The seller was a Mr Ali ABDULLA. Investigations are ongoing.

RELEVANT INFORMATION

- The sale of cigarettes to a person under the age of 18 is an offence under the Children and Young Persons Act 1933 as amended by The Children and Young Persons (Protection from Tobacco) Act 1991 and the Children and Young Persons (Sale of Tobacco) Order 2007;
- The sale of e-cigarettes to under 18s is an offence contrary to Regulation 3 of the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 and Section 92(2) of the Children and Families Act 2014;
- Supplying (including possessing for supply) tobacco products bearing trademarks without the consent of the proprietor of the mark (counterfeit) is an offence contrary to the Trade Marks Act 1994;
- Supplying (including possessing for supply) tobacco products which are not in plain packaging is an offence, contrary to the Standardised Packaging of Tobacco Products Regulations 2015;
- Supplying (including possessing for supply) tobacco products that do not display compliant health warnings is an offence, contrary to the Tobacco and Related Products Regulations 2016;
- Improperly marked tobacco products deny consumers valuable information about the dangers of smoking. Counterfeit tobacco is normally sold much cheaper than its genuine counterparts – typically half the price – which undermines price-based strategies to prevent smoking by making it more accessible to adults and children. Cut price tobacco presents unfair competition to legitimate retailers in the area and typically deprives the taxman of £6.17 for cigarettes and £11.30 for hand rolling tobacco, in terms of lost duty and VAT. In the case of counterfeit products, there is a further risk in that unlike their genuine counterparts, there are no controls over what goes into making them or on the levels of harmful substances they might contain. These products have also been found not to comply with requirements to self extinguish if left unattended.

Paragraphs 11.27 & 11.28 of 'The Revised Guidance issued under Section 182 of The Licensing Act 2003' (Home Office April 2018) states that:

'There is certain criminal activity that may arise in connection with licensed premises that should be treated particularly seriously. These are the use of the licensed premises ….
…for the sale or storage of smuggled alcohol and tobacco.

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is

expected that revocation of the licence – even in the first instance – should be seriously considered.

The following options are available to the committee:-

1) Do nothing – However the seriousness of the offences causes grave concern for no action;

2) Modify the conditions of the licence;

3) Exclude a licensable activity from the scope of the licence;

4) Remove the Designated Premises Supervisor;

5) Suspend the licence for a period not exceeding three months;

6) Revoke the premises licence so that no alcohol can be sold at all.

In the opinion of Lancashire County Council Trading Standards Service, the information presented in the application is clear evidence that the Prevention of Crime and Disorder and the Protection of Children from Harm Licensing Objectives have been disregarded at these premises.

Not withstanding any further information being provided, Lancashire County Council Trading Standards respectfully requests that the committee considers whether revocation of the premises licence would be an appropriate finding in the circumstances.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day		Month		Year			

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

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4)**. If signing on behalf of the applicant please state in what capacity.**

Signature: S. McConnell……

Date: 22nd December 2021……

Capacity: Principal Officer, Lancashire Trading Standards Service……

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Lancashire County Council Trading Standards Service 4th Floor, Lancashire Point County Hall Pitt Street	
Post town Preston	**Postcode** PR1 0LD
Telephone number (if any) 01772 532228	
If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional) [redacted]	

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.

From: Gareth Dowling
Sent: 02 February 2022 16:44
To: Murray, Michaela <Michaela.Murray@westlancs.gov.uk>
Subject: Re: FW: Review Application Ormskirk Superstores, Aughton Street, Ormskirk

Hi Michaela,

I was unable to secure a statement without the assurance of anonymity.

As such, I would like to add to my previous comments with below.

Thanks,
Gareth

Due to the nature of the issues faced by the Superstore, I have received a number of representations directly from members of the public who feel they must remain anonymous. I know these people are real in so far as I have met with them to discuss their concerns, and vouch that they are reputable and upstanding members of the community. The fact they feel they must remain anonymous is telling.

Statement 1 received:

To whom it may concern.

I am writing this statement, due to witnessing the sale of Vape Fluid to Two School Girls, this happened at approximately 4:20pm on Thursday 20th January 2022.

The sale of this product took place in the Ormskirk Superstore on Aughton Street in Ormskirk.

I was stood outside the shop next door having a conversation with the person who works there when I saw the two girls walk into the shop stand by the till and point to the vape products, the person in the shop then reached in and got the vape product and the girls paid and came out of the shop.

I then contacted Cllr Dowling by telephone and told him what I saw, after the conversation I saw the girls again and overheard them say to the others that had joined them that they had got the vape liquid.

I would prefer to remain anonymous

Statement 2 received:

I found out from my teenage child who I found to be using vape that this shop was selling vape to underage children including my child. This was confirmed when I questioned my child.

PS 4159 Leanne Byrne
South Licensing Team
Preston Police Station
Telephone: 01772 209785
Email: centrallicensing@lancashire.police.uk
27th January 2022

Lancashire Constabulary

Michaela Murray
Senior Licensing Officer
West Lancashire Borough Council
Robert Hodge Centre
Stanley Way
Skelmersdale
Lancashire
WN8 8EE

Dear Michaela,

Ref: Review Application; Ormskirk Superstores, Aughton Street, Ormskirk – WK 270930
Premises Licence No: LN/9924

Lancashire Constabulary, as a Responsible Authority under the Licensing Act 2003, have been consulted on the Application for the Review of a Premises Licence submitted by Lancashire Trading Standards against Ormskirk Superstore, 16 Aughton Street, Ormskirk L39 3BW.

Lancashire Constabulary do not have any incidents recorded against the premises, however, there is a concern over any licensed premises found to be selling age restricted products to underage persons, and, as such, Lancashire Constabulary supports Lancashire Trading Standards in the submission of this Review of the Premises Licence.

Yours Faithfully

PS 4159 Leanne Byrne