



Lancashire
Constabulary

Lancashire Constabulary South Division Review File

Name: Best One

Address: 9 Poplar Ave, Bamber Bridge

Licensing Authority: South Ribble

Licence Number: PREMA0047



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1. Summary

Best One is a Licensed Premises situated on Poplar Avenue, Bamber Bridge which is within the South Ribble Borough Council. The premises itself is a single-story premises and has a single entrance / exit on to Poplar Avenue and forms part of several business premises in a row surrounded by largely residential premises. Also of note is St. Aidan's Primary School which is a short walk to the rear of the premises. Whilst only licensed for 'off sales' of alcohol, the premises operates as a wider convenience store selling food goods, tobacco produces and non-food items. The premises has held a licence since it was converted in 2005 from the former Licensing Act.

2. History

i. Premises Licence Holder/Designated Premises Supervisor

Markandu LINGARASA is the current Premises Licence Holder and Designated Premises Supervisor, positions which he has held since January 2023, between this time and the original conversion there has only been one other Premises Licence Holder.

ii. Police involvement with the premises

9th January 2023 - as part of the transfer and variation of DPS a member of staff from Police Licensing attended the premises unannounced to speak with LINGARASA who was not present. The member of staff from Police Licensing spoke with two males inside the premises, one was behind the service counter, and another was stacking stock. Both males spoken limited English and the male stacking the shelves refused several times to provide the staff member with any details and denied working at the premises claimed to be a friend visiting from another shop, he eventually provided this information. The male behind the counter did advise that LINGARASA was at his other shop in Liverpool, the member of police staff then contacted LINGARASA on the telephone and arranged to see him the following day. Upon returning to the police station the member of police staff referred the premises and details of the male working behind the counter to Immigration enforcement as she had concerns over their right to work, other concerns raised were the staff members ability to understand some of the licensing responsibilities.



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10th January 2023 - The following day the member of police staff returned to the premises and met with LINGARASA, who advised that he was a DPS at three other premises in the Liverpool area and would visit the Bamber Bridge premises 3 times per week. LINGARASA talked through the check 25 training that he put into place and showed a refusal register. The member of police staff advised that there would be test purchase operations in the future but that there. The member of police licensing advised that there would be no objection to the transfer for variation of DPS, she also noted that neither males from the day before were present at the premises and it was the wife of LINGARASA behind the counter during this visit.

11th March 2023 - PC Connolly attended the premises with Immigration Enforcement & South Ribble Council Licensing however afterwards and had no involvement with the member of staff having no right to work in the UK.

18th April 2023 - PC Connolly attended the premises in company with South Ribble Borough Council Licensing with Lancashire Trading Standards. An inspection was carried out and staff member was found to have restricted work but was not relevant to being employed at the premises. An old packet of cigarettes was found at the bottom of the display, it was deemed to have been accidentally left over from discontinued stock. When spoken with regarding the sale of alcohol and other age restricted items by PC Connolly, the member of staff claimed that he had not had any training.

19th May 2023 - the premises was subject to a test purchase for a knife by Lancashire Police and Lancashire Trading Standards as part of a national wide knife crime campaign called Operation Sceptre. During this initiative the premises failed by selling a trimming knife to children aged 13 and 14. The premises were issued with a warning following this and directed toward free check 25 training available in Lancashire.

2nd June 2023 - the premises was subject to a test purchase for alcohol by Lancashire Police and Lancashire Trading Standards. On this occasion the premises passed and refused the sale of alcohol.

12th July 2023 - police licensing received an email from immigration enforcement providing an update that a male without permission to work was located at the premises and that a notice of intention to issue a fine of up to £20,000 was served on the premises.

16th November 2023 - the premises was once again subject to a test purchase for a knife by Lancashire Police and Lancashire Trading Standards as part of a national wide knife crime campaign called Operation Sceptre. The premises passed the operation and refused to sell a knife to a 15-year-old test purchaser.



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3. Reason for Review

Mr Ward has outlined in his application under Section 51 of the Licensing Act 2003 that the Section 182 guidance ties the employment of illegal workers to the Prevention of Crime & Disorder Licensing Objectives. Lancashire Constabulary support this view and furthermore, the sale of a trimming knife to two children aged 13 and 14 on 19th May 2023 is a criminal offence under Section 141A of the Criminal Justice Act 1988 and clearly undermines the Prevention of Crime & Disorder and the Protection of Children from Harm Licensing Objectives.

4. Outcome Sought

Lancashire Constabulary seek for the Licensing Sub-Committee to revoke the premises licence. The Section 182 guidance outlines criminal activity that may arise in connection with Licensed Premises and specifies employing a person who is disqualified from that work by reason of their immigration status in the UK as criminal activity that should be treated particularly seriously. 11.23 of the Section 182 guidance clearly states "But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence – it is irresponsible for any employer not to take reasonable steps to check a potential employees immigration status.

Whilst other options could be available removal of the DPS would likely prove ineffective as the DPS and Licence Holder are the same person and have been complicit in the criminal activity at the premises. Furthermore, the Licence Holder has shown acts of dishonesty towards officers from Responsible Authorities during inspections.

Applying conditions would likely prove ineffective, 1.16 of the Section 182 guidance clearly states that Licence Conditions should not replicate offences already in legislation.

Suspension of the Licence for a maximum period of three months would simply allow the premises to continue trading irresponsibly after such time.

Revocation is necessary and proportionate in these circumstances.



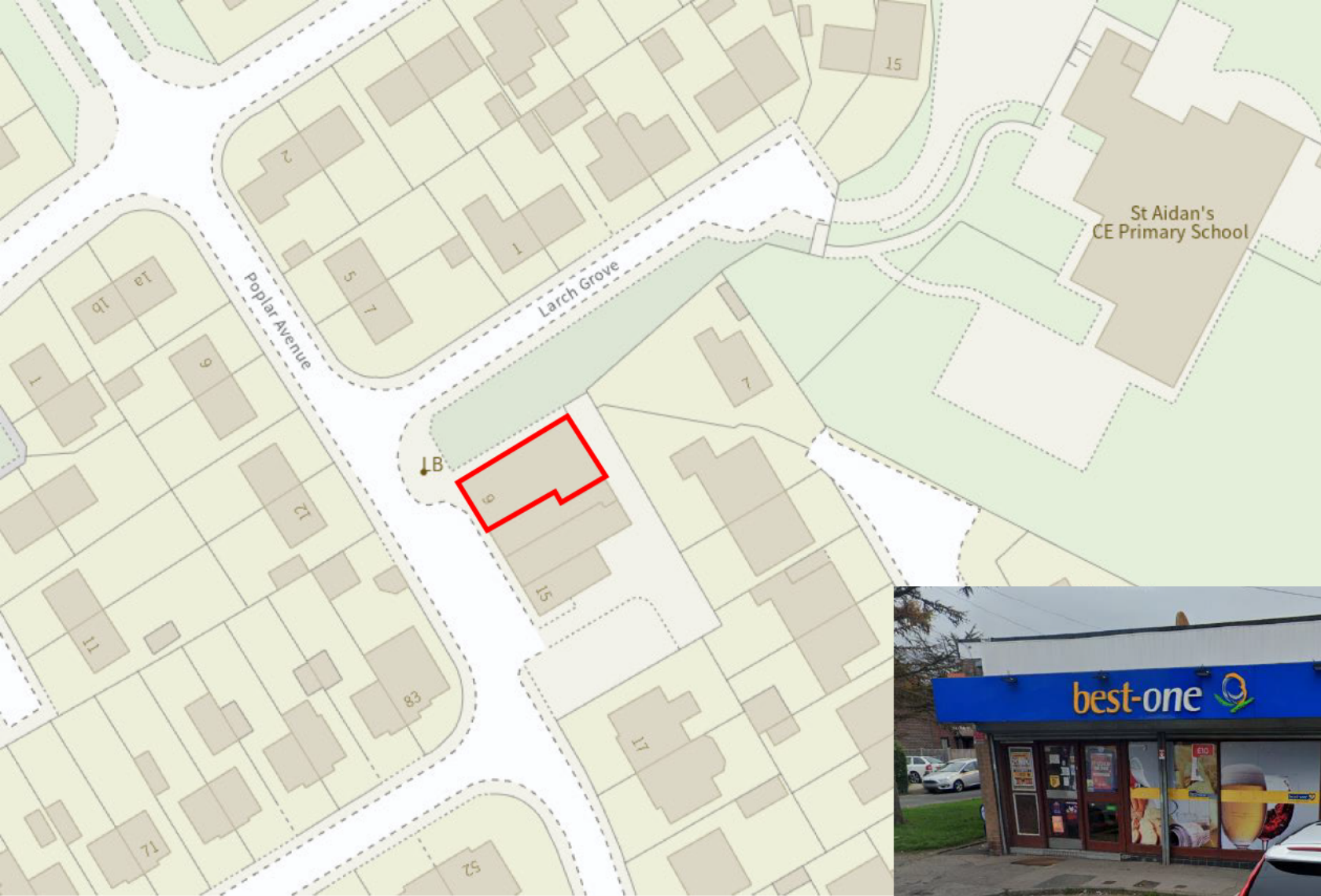
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5. Supporting Evidence

LC01 – Street view of the premises

LC02 – Redacted visits from Police Licensing

LC02 – Letter from Lancashire Trading Standard



BEST ONE

Printed: 08/12/2023

Visit Details:

Premises ID: 361
Reference: LICENSING VISIT
Date: 09/01/2023

Time: 11:30

Address:
9 POPLAR AVENUE
BAMBER BRIDGE
PRESTON
LANCASHIRE
PR5 6JJ

Main Phone: [REDACTED]
Alt Phone: [REDACTED]
Email: [REDACTED]
Fax: [REDACTED]

Description:

STE

I HAVE VISITED THE ABOVE PREMISES THIS MORNING REGARDING A DPS & P/L TRANSFER APPLICATION.

THE PROPOSED DPS MARKANDU LINGARASA WAS NOT PRESENT, BUT THERE WAS A GENTLEMAN SERVING BEHIND THE COUNTER AND ANOTHER MALE STACKING SHELVES, BOTH WHO SPOKE VERY LIMITED ENGLISH AND FROM WHAT INFORMATION I COULD ESTABLISH, THEY WERE NOT PLH. THE P/L IS AN OUTDATED ONE WITH VERY LIMITED CONDITIONS. THERE WAS NO AUTHORITY TO SELL IN PLACE AND THE GENTLEMAN BEHIND THE TILL HAD NO IDEA WHAT I WAS TALKING ABOUT. I ASKED ABOUT A REFUSALS BOOK AND HE JUST SAID THE BOSS HAD IT. THERE IS CCTV, BUT THIS IS NOT A CONDITION ON THEIR LICENCE.

WHEN I ASKED WHERE MR LINGARASA WAS, I WAS INFORMED THAT HE WAS AT HIS SHOP IN LIVERPOOL. THE YOUNG MAN BEHIND THE TILL CONTACTED HIM BY TELEPHONE, AND I HAVE ARRANGED TO RE-VISIT TOMORROW MORNING AT 11AM. ALL HE KEPT SAYING ON THE TELEPHONE WAS THAT HE HAD A LICENCE!

I OBTAINED THE PERSONAL DETAILS OF THE MAN BEHIND THE TILL – [REDACTED] WHEN I ASKED FOR THE PERSONAL DETAILS OF THE YOUNG MAN STACKING SHELVES, HE WAS VERY QUICK TO SAY THAT HE WAS NOT WORKING (WHEN HE QUITE CLEARLY WAS). HE STATED THAT HE HAD JUST CALLED TO SEE HIS FRIEND FROM ANOTHER SHOP AND WHEN I ASKED WHERE THE OTHER SHOP WAS, HE REPLIED LIVERPOOL. HE POINT BLACK REFUSED TO GIVE ME HIS PERSONAL DETAILS.

I MANAGED TO PERSUADE HIM TO GIVE ME HIS DETAILS (RELUCTANTLY) – [REDACTED] HE REPEATED HIMSELF QUITE A FEW TIMES TELLING ME THAT HE WAS NOT WORKING (WHICH MADE ME VERY SUSPICIOUS)!

ALSO, BEHIND THE COUNTER IS A LARGE DISPLAY OF VAPING LIQUIDS (ELF BAR 600).

ON VISITING THE PREMISES, I DID NOT GET A GOOD FEELING ABOUT THE 2 MALES PRESENT, OR THE PROPOSED DPS WHICH I SPOKE WITH ON THE TELEPHONE. [REDACTED]

[REDACTED]

Visit 62128

VISIT DETAIL SHEET

BEST ONE

Printed: 08/12/2023

Visit Details:

Premises ID: 361
Reference: DPS INTERVIEW
Date: 11/01/2023

Time: 11:10

Address:
9 POPLAR AVENUE
BAMBER BRIDGE
PRESTON
LANCASHIRE
PR5 6JJ

Main Phone: [REDACTED]
Alt Phone:
Email: [REDACTED]
Fax:

Description:

I HAVE RE-VISITED THE PREMISES THIS MORNING FOR A DPS INTERVIEW WITH MARKANDU LINGARASA. CHRIS WARD FROM SRBC WAS SUPPOSED TO BE MEETING ME AT THE PREMISES, BUT DID NOT TURN UP AND WHEN I HAVE CONTACTED HIS OFFICE, I WAS ADVISED HE WAS STILL IN A MEETING AT SRBC.

ALTHOUGH LINGAN HAS 3 FURTHER PREMISES IN THE LIVERPOOL AREA WHERE HE IS DPS, HE ASSURES ME THAT HE WILL BE VISITING THE BAMBER BRIDGE STORE ABOUT 3 TIMES PER WEEK. LINGAN SHOWED ME THE SIGNED AUTHORITY TO SELL AND ALSO TALKED ME THROUGH HIS CHECK 25 TRAINING AND ALSO HIS REFUSALS REGISTER (I HAVE ADVISED THAT WE WILL BE CARRYING OUT A TEST PURCHASE).

I FOUND LINGAN TO BE AN EXTREMELY PLEASANT GENTLEMAN ALONG WITH HIS WIFE WHO WAS SERVING IN THE SHOP (ALSO A PLH) AND I AM HAPPY TO ADVISE SRBC THAT WE HAVE NO OBJECTION TO THE DPS & TRANSFER APPLICATION.



Best-One
9-11 Poplar Avenue
Bamber Bridge
Preston
PR5 6JJ

Phone:

Fax:

Email:

Your ref:

Our ref: 212431

Date: 05/06/23

WRITTEN WARNING

Dear Sir/Madam,

The Criminal Justice Act 1988

Sale of trimming knife to an underage person on 19th May 2023 from Best-One, 9-11 Poplar Avenue, Bamber Bridge, Preston PR5 6JJ

On Friday 19th May 2023 a test purchase exercise was carried out by Trading Standards and Lancashire Police at Best One, where a member of staff sold a trimming knife to two underage volunteers aged 13 and 14.

The sale of knives to underage children is taken very seriously by Trading Standards and Police. The offence can be committed by both the seller (i.e. the shop assistant) and the business owner and can result in prosecution through the Magistrates Court leading to imprisonment for up to 6 months, or an unlimited fine, or both.

On this occasion we are issuing you with this **warning letter**.

You should now take steps to prevent further offences being committed, including retraining any staff on age restricted sales and asking anyone appearing to be under 25 to provide a valid identification.

I would advise you to access Trading Standards' online Check 25 resources, which can be found by visiting www.lancashire.gov.uk/iancan/check-25/retail-premises and selecting 'Resources - knives'. Here you will find legal guidance, a good practice guide, posters and a link to The National Business Crime Centre online training package, which

Trading Standards Service
Lancashire County Council
4th Floor Lancashire Point
County Hall
Pitt Street
Preston
PR1 0LD



I recommend that you and your staff complete. As part of your due diligence your staff should also complete records of refusals.

If your business sells other age restricted products, including alcohol, tobacco and e-cigarettes, then I recommend you and your staff access our online Check 25 training, which can also be accessed using the link provided above. Upon successful completion of the training you will receive a certificate which you can print or save for your records.

Following this test purchase it is likely that your business will be tested again in the future. Should further underage purchases be made, the fact that you have received this warning will be used as evidence when considering further enforcement action.

If you have any queries in relation to this matter, please contact me on the above number.

Yours faithfully,

A handwritten signature in black ink that reads "L Manning". The signature is written in a cursive style with a large, stylized 'L' and 'M'.

Lauren Manning
Senior Trading Standards Officer
Lancashire Trading Standards Service