

**LICENSING ACT 2003**

**Application to review the Premises Licence at Drinks Allowed, 18 Castle Street,  
Edgeley, Stockport SK3 9AD**

**Report of the Director for Place Management**

**1. PURPOSE OF REPORT**

- 1.1. For Members to consider an application from Stockport Metropolitan Borough Council (Trading Standards) to review the Premises Licence for Drinks allowed 18 Castle Street Edgeley SK3 9AD due to failure to adequately promote the licensing objectives of, the prevention of crime and disorder, public safety and the protection of children from harm.

**2. DETAILS**

- 2.1. Applicant: Stockport Metropolitan Borough Council (Trading Standards)  
Name of Premises: Drinks Allowed (sign written as Go Local)  
Premises Licence Holder: Akshay Singh Ahuja  
Designated Premises Supervisor: with effect from 7<sup>th</sup> February 2022 and subject to any representations from GMP Mr Akshay Singh Ahuja  
Address of Premises: 18 Castle Street Edgeley SK3 9AD  
Situation: A location plan is attached at the end of this report.

**3. BACKGROUND**

- 3.1 On 12 January 2022, Stockport Metropolitan Council (Trading Standards) being a Responsible Authority under the Licensing Act 2003, made an application for a review of the Premises licence under section 51 of the Licensing Act 2003 . A copy of the review application is attached at **Appendix A**. Page 4 of the review application introduces the grounds for seeking the review as a failure to meet the licensing objectives of '*the prevention of crime and disorder*', '*public safety*' and '*the protection of children from harm*'.
- 3.2 The detailed grounds and support for the review cited in the application made by the Trading Standards can be found at **Appendix A** pages 4-8, but for ease of reference are repeated here within the body of this report:-

*As part of the national illicit tobacco disruption initiative, Op CeCe, Trading Standards and Greater Manchester Police visited 18 Castle Street Street, Edgeley, SK3 9AT on Wednesday 25<sup>th</sup> August 2021. No items were found on the premises however once the team had moved on, GMP received reports that a male was putting tobacco into a vehicle at the rear of the premises. The team diverted to the vehicle at the rear of 18 Castle Street and a male who identified himself as Akshay Ahuja and, the owner of the shop and vehicle, came outside. Upon access to the vehicle, the team discovered and seized 400 illicit cigarettes, 2050g of illicit hand*

rolling tobacco and 230 illegal vapes with a street value of approximately £1,500 (and retail value of approximately £2,200). Please see the lead officer's statement at Appendix 1 (within **Appendix A**) For data protection purposes personal data has been redacted from the statement. The redacted information is indicated by the symbol \*\*\*\*\*

### **Supporting Information**

**26<sup>th</sup> July 2018** – Premises licence issued to Mr Alan Race as both the Holder of the Premises Licence and Designated Premises Supervisor (DPS) for 18 Castle Street, Edgeley.

**5<sup>th</sup> Jul 2019** – Mr Ahuja appointed sole director of Ahuja & Brothers (UK) (12087047) listed by Companies House at 18 Castle Street, Edgeley

**1<sup>st</sup> Aug 2019** – Mr Ahuja issued with a Personal Licence by Stockport Council (19/02213) at 18 Castle Street, Stockport, SK3 9AD

**24<sup>th</sup> Sep 2019** – Mr Ahuja was authorised as the new Holder of the Premises Licence (18/01726) for Drinks Allowed (known as Go Local), 18 Castle Street, Edgeley with Mr Alan Race remaining as the DPS

**16<sup>th</sup> June 2020** - Mr Ahuja appointed sole director of Edgeley Local Limited (12675399) listed by Companies House at 18 Castle Street, Edgeley

**26<sup>th</sup> June 2020** – Stockport Trading Standards receive notification from the national regulator the Office for Product and Safety Standards (OPSS) regarding a consignment of non-conforming facemasks detained by Border Force at Heathrow Airport, imported by Ahuja & Brothers (UK), 18 Castle Street, SK3 9AD. Company Director Mr Akshay Singh Ahuja, on behalf of the company, voluntarily surrendered the non-compliant packaging and signed an undertaking to only supply the products as facemasks and would not imply that they were Personal Protective Equipment (PPE) or provide protection against COVID-19.

**4<sup>th</sup> Sep 2020** – Mr Ahuja authorised as the Designated Premises Supervisor of Edgeley Local, 41 Castle Street and one of his companies, Edgeley Local Limited, is the Premises Licence Holder (20/01358)

**6<sup>th</sup> Feb 2021** – The enforcement team visited both 18 and 41 Castle Street as part of Op CeCe. Trading Standards had received a complaint earlier in the year via Crimestoppers about Ugly Duckling vodka sold from 41 Castle Street, smelling and tasting like antifreeze. The team enquired about this during their visit to number 41 and an employee advised that the owner was selling this at his other premises, 18 Castle Street. At number 18, officers found one open bottle on the counter that an employee said he had tried but it tasted 'funny'.

**31<sup>st</sup> March 2021** – Mr Ahuja registered 18 Castle Street as a food business with Stockport Environmental Health.

**8<sup>th</sup> May 2021** - A 19-year-old test purchaser acting on Trading Standards behalf, and wearing a face covering due to public health COVID measures in place at the time, purchased alcohol without any age-verification checks being made. Under The

*Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020) in force at the time, face coverings could be removed for identification purposes but this did not happen and identification was not requested. A letter was sent to the DPS (Mr Alan Rice) and Premises Licence Holder (MR AHUJA) advising that the business was 'at risk' of making underage sales. See Appendices 2 and 3.*

**18<sup>th</sup> May 2021** – complaint received that alcohol is routinely sold to under 18s, is sold after 11pm (especially at weekends) and that cheap and fake tobacco is being sold to under 18s attracting minors from Hazel Grove, Gorton and other areas.

**6<sup>th</sup> August 2021** – complaint received from the parent of a 15-year-old sold a lighter and vodka from the shop on two occasions. The young person was not asked to prove their age and the complainant advised that 18 Castle Street is known as 'the shop to go to' amongst youngsters to purchase alcohol and cigarettes.

**25<sup>th</sup> August 2021** - Illicit cigarettes, hand rolling tobacco and vapes seized from Mr Ahuja's vehicle at the rear of 18 Castle Street during disruption activities.

**26<sup>th</sup> August 2021** – complaint received that 18 Castle Street is serving single cigarettes, alcohol and 'cheap fake' tobacco to children.

**1<sup>st</sup> September 2021** – complaint received via an MP that 18 Castle Street is selling 'fake' cigarettes to children and operating outside of the hours of operation on the licence.

**7<sup>th</sup> September 2021** – complaint received via GMP that 18 Castle Street are selling alcohol and vapes to children.

### **Criminality**

*The supply of smuggled or fake tobacco products is a criminal offence under various legislation including the Tobacco Products Duties Act 1979, the Trade Marks Act 1994, the Standardised Packaging of Tobacco Regulations 2015 and the Tobacco and Related Products Regulations 2016. It is also an offence under section 144 of the Licensing Act 2003 for a person\* to knowingly keep or allow to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported (keeping of smuggled goods).*

*\* a 'person' is any person who works at the premises in a capacity, whether paid or unpaid, which gives him authority to prevent the keeping of goods on the premises. In the case of a licensed premise, a 'person' is the premises licence holder and the Designated Premises Supervisor under that licence.*

### **Organised Crime 'Gangs'**

*Large-scale organised crime groups or 'gangs' are often behind illegal tobacco products supply. This supply funds wider criminality such as the drugs trade, human trafficking, loan sharking, alcohol smuggling and money laundering. Those engaged in the sale of illicit tobacco may be more likely to extend their criminality into selling illicit tobacco to minors, which is also an offence and causes serious harm to children. Often, victims of human trafficking find themselves forced to sell these illegal products in order to pay off debts or fearing harm to themselves or their*

families. It also brings criminals into local neighbourhoods to supply local sellers and business, who operate compliantly by selling genuine duty paid tobacco products, see their trade affected (of both tobacco and other products).

### **Personal Harm**

Smoking is the single biggest lifestyle cause of ill health. All cigarettes (including those sold legally) are harmful, but some illegal tobacco (e.g. counterfeit cigarettes) is made of poor quality ingredients, which can make it even more dangerous to a person's health. Smokers who buy cheap product may think they are getting a bargain but the availability of cheap tobacco products is likely to be harming attempts to quit.

Eleanor Bannister, Lead for Public Health Intelligence and Early Intervention and Prevention in Stockport, reports that 'the current smoking estimate for adults for Stockport is 13.4%, but this masks significant inequalities' and 'the rates are more than double this in the most deprived quintile of Stockport, for Edgeley and Cheadle Heath ward the estimated smoking rate is 19%.' An estimated 5% of 15 year olds in Stockport are regular smokers.

Behaviour Change Lead for Public Health in Stockport, Alison Leigh, advises that 'illegal tobacco can impact on children and young people especially – it is cheaper and more accessible'. Alison also tells us that 'higher prices / taxation is proven to be an effective way of reducing smoking'. Attempts to quit are 'likely to disproportionately affect those with less money and who are more likely to suffer ill health in the long term'. Further, 'illegal tobacco often does not carry the health warnings that are required on cigarettes sold legally in the UK.'

### **Tax Evasion**

The trade in illicit cigarettes and tobacco contributes to an underground economy worth billions of pounds. Not only is it illegal, the trade adversely affects public funds. Tobacco duty makes an important contribution to public finances. Evasion of tobacco duty both denies the Exchequer of revenues and blunts the effectiveness of tobacco duty as a tool to reduce smoking.

### **Summary**

Stockport Trading Standards have received repeated complaints about illicit tobacco and underage sales of both alcohol and tobacco. The unchecked sale to our young person in May and seizure of illegal products in August would support these allegations.

There are underage drinking problems in the area and the continuance of this premises licence is highly likely to contribute to the issue. The premises licence has a Challenge 25 policy condition however; a sale of alcohol was made to our young test purchaser wearing a face covering, without any attempt to ascertain their age.

The items discovered in Mr Ahuja's vehicle had been deliberately moved and hidden by him in an attempt to evade seizure by the enforcement team. These actions clearly suggest that Mr Ahuja is aware that the possession and supply of these items is illegal.

Motivated by money and with little care for the impact on communities and the UK economy, the licence holder is failing to fulfil the Licensing Objectives. Mr Ahuja is

*also sole Director of the Company operating Go Local at 18 Castle Street, Edgeley and demonstrates complete disregard for the law.*

- 3.3 A copy of the premises licence is attached at **Appendix B**.
- 3.4 At the start of the review process the designated premises supervisor at the premises was detailed as Mr A Race. Mr Race subsequently notified the Council that he resigned from the role of designated premises with immediate effect on Friday 4 February. It is unclear when Mr Race was last involved at the premises. The premises licence holder Mr Ahuga submitted an application for himself to be the designated premises supervisor on 7 February, this took immediate effect but is subject to a 14 day consultation period with Greater Manchester Police, the consultation period is ongoing at the time this report was drafted (10 February 2022)
- 3.5 In accordance with the provisions of the Licensing Act, on 13 January 2022 public notices were placed on display at the premises providing the details of the licensing review. A notice was also displayed on the public notice board outside the Town Hall. Representations were received as detailed in section 4 below and the consultation period closed on 9 February 2022. A copy of the public notice can be found at **Appendix C**

#### **4. REPRESENTATIONS RECEIVED.**

- 4.1 On 2 February 2022 Mr Ahuga the premises licence holder submitted written information to the licensing unit, requesting that the review application be withdrawn. A copy of that correspondence is submitted at **Appendix D1** and the licensing units response at **Appendix D2**
- 4.2 On 7 February 2022 a representation was received from the Licensing Unit confirming that a visit had been undertaken to the premises on 27 January 2022 and that as a result of that visit officers had concerns about none compliance with licence conditions, in place to promote the licensing objectives of the prevention of crime and disorder and protection of children from harm. A copy of the representation is attached at **Appendix E**
- 4.3 A representation was received from an individual but this was not accepted as valid as it did not concern information relevant to the licensing objectives. An email was sent to the individual advising that representations should be relevant to the promotion of the licensing objectives (which were listed in the email), and inviting the individual to submit a relevant representation. No response was received.

#### **5. GUIDELINES**

- 5.1. Section 52 of the Licensing Act 2003 states that the authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- 5.2. Section 52 (4) states that the steps are-
  - (a) to modify the conditions of the licence;

(b) to exclude a licensable activity from the scope of the licence;  
(c) to remove the designated premises supervisor;  
(d) to suspend the licence for a period not exceeding three months;  
(e) to revoke the licence;  
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

5.3 Section 52 (5) states that any steps taken under section 52 (3) are subject to the requirement to include certain mandatory conditions in the Premises Licence.

5.4 Section 52 (6) states that where the authority takes a step mentioned in subsection (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

5.5 Section 52 (7) states that in this section “relevant representations” means representations which—

- (a) are relevant to one or more of the licensing objectives, and
- (b) meet the requirements of subsection (8).

5.6 Section 52 (8) states that the requirements are—

(a) that the representations are made—

- (i) by the holder of the premises licence, a responsible authority or any other party, and
- (ii) within the period prescribed under section 51(3)(c),

(b) that they have not been withdrawn, and

(c) if they are made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

5.7 The current version of Statutory Guidance issued under section 182 of the Licensing Act 2003 was issued in April 2018. Chapter 11 of the guidance deals with the matter of reviews, the paragraphs extracted below are deemed to be particularly relevant to this review application :-

- Paragraph 11.2 states that at any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- Paragraph 11.18 states that however, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

5.7.1 There is a section within chapter 11 of the statutory guidance that is titled –

Reviews arising in connection with crimes, for ease of reference the whole section has been copied below, members will note that the sale or storage of smuggled tobacco should be regarded as particularly serious

## Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;

- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- **for the sale or storage of smuggled tobacco and alcohol.**

11.28 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.

## **6. OPTIONS**

5.1 In considering this review application the following options are available to the Sub Committee

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

## **7. RECOMMENDATION**

7.1. The Committee is asked to determine the application to review the Premises Licence at Drinks Allowed 18 Castle Street, Edgeley Stockport SK3 9AD

### **BACKGROUND PAPERS**

Licensing Act 2003

Statutory Guidance to the Licensing Act 2003, as revised, April 2018.

Stockport Council's Licensing Policy, 2021—2026

Anyone wishing to inspect the above background papers or requiring further information should contact Ian O Donnell, Head of Public Protection by email at [ian.odonnell@stockport.gov.uk](mailto:ian.odonnell@stockport.gov.uk)

**Location Site and Map 18 Castle Street Edgeley**



( The premises is as signwritten Go Local )

