

# Application for the review of a premises licence or club premises certificate under the Licensing Act 2003



## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I .....

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

### Part 1 – Premises or club premises details

**Postal address of premises or, if none, ordnance survey map reference or description**

Lifestyle Express (Top Shop)  
66-68 Jesmond Gardens

**Post town** Hartlepool

**Post code (if known)** TS24 8QS

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

Aniruth SIVALINGAM

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

HART/PS/423

### Part 2 - Applicant details /

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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 ✓ yes

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  Graduate Trading Standards Officer Public Protection Civic Centre Hartlepool TS24 8AY
Telephone number (if any)
E-mail address (optional)

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

- |   |                                     |
|---|-------------------------------------|
|   | Please tick one or more boxes ✓     |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 2)

I am requesting the review on behalf of Hartlepool Borough Council's Trading Standards department - a Responsible Authority under the Licensing Act 2003. I believe the current trading practices at *LifeStyle Express* are contradicting the 'Prevention of Crime and Disorder' Licensing Objective.

The emergence of non-compliant disposable electronic cigarettes on the Market and their popularity amongst children is a legitimate concern for Trading Standards Services and Public Health officials. In July 2022, Hartlepool Trading Standards wrote to all traders in the area advising them on the law regarding their sale. The letter advised that enforcement action would be taken against traders found to in possession of them and that the department would consider reviewing their premises' licence as a result. This letter was sent to Lifestyle Express at the time.

During May 2023 Trading Standards received anonymous complaints stating that the shop was selling "illegal vapes". One of the complainants stated the shop sells legal vapes which are on display but they also sell 'illegal' ones which are stored beneath the counter. 'Vapes' is a term used to describe electronic cigarettes.

In response to the information, on 18th May 2023, a test purchase attempt was made by an officer from the Public Protection Department. Upon approaching the counter to be served the officer witnessed legal electronic

cigarettes being offered for sale in a cabinet near the till. The officer asked the male serving if they had any of the bigger ones who replied what flavour and proceeded to provide an extensive list of what was available. The officer made a choice and was sold an Elux Legend 3500 for £10. The device was taken from a concealed and out-of-site place behind the counter. Elux Legends cannot be legally sold in the UK.

In addition to the test purchase, during the same week, an officer observed empty non-complaint electronic cigarette packaging on the floor outside the shop. It has been identified that empty packaging outside a shop is a good indicator that the shop is supplying the products. As some customers, immediately after purchasing, leave the shop and discard the packaging on the floor.

On 6<sup>th</sup> June 2023 Trading Standards along with Cleveland Police executed a search warrant at the premises which included the flat above. In total 1214 non-complaint devices were seized with an estimated total street value of £12,140. The devices were seized from out-of-sight spaces below the counter, on a stair case leading to the flat and from a room in the flat. The legally complaint devices were on display in the shop.

On the 4<sup>th</sup> July 2023 the licence holder, Mr Aniruth SIVALINGHAM, was interviewed under caution in relation to the supply of non-compliant electronic cigarettes. He stated that he knew that the devices were illegal to sell but they were on his premises by mistake. He stated that he had ordered complaint devices from a man he only knows as "Mo" but then the illegal ones had been delivered by mistake. He stated that he was attending a wedding over the weekend before the warrant was executed so he did not notice the mistake until he returned on Monday 5<sup>th</sup> June 2023. He stated that after he had returned he stopped selling the devices.

Mr SIVALINGAM's account of events are not compatible with evidence gathered during the investigation. The test purchase was made on the 17<sup>th</sup> May 2023 which was initiated by a prior complaint that the premises were selling illegal devices. The CCTV images also show a permanent member of staff selling a non-compliant device moments before the raid.

It is Trading Standards contention that the illicit supply of these items casts significant doubt on the Licence holder's suitability to be licensed to sell alcohol. The facts of the case show the individuals at the premises knew they were breaking the law; having had warning of the illegality of the products and chose to try and conceal such items beneath the counter to avoid detection. It is therefore our department's opinion that the individuals at the premises are deliberately opposing the objective to prevent crime and disorder.

**Please provide as much information as possible to support the application** (please read guidance note 3)

To support my application supporting evidence will be provided by myself, Senior Trading Standards Officers and Regulatory Compliance Officer Apprentice

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day    Month    Year

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**If you have made representations before relating to the 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date **10/07/2023**

.....

Capacity **Graduate Trading Standards Officer**

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**The Licensing Team  
Hartlepool Borough Council  
Civic Centre  
Hartlepool  
TS24 8AY**

REV01