

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION TO TRANSFER A PREMISES LICENCE, POLSKI MINI MARKET,
141 FRODINGHAM ROAD, SCUNTHORPE**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines an application to transfer the Premises Licence for the Polski Mini Market, 141 Frodingham Road, Scunthorpe.
- 1.2 A copy of the application is attached to this report at Appendix 1.
- 1.3 A representation has been received from the Chief Officer of Police, which has been deemed relevant. A copy of the representation is attached to this report at Appendix 2.

2. BACKGROUND INFORMATION

- 2.1 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all applications for a licence where a relevant representation has been made need to be determined by this Sub-Committee.
- 2.2 When determining the application the Sub-Committee should only consider issues which relate to the Prevention of Crime and Disorder.
- 2.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and our Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.
- 2.4 Members of the Sub-Committee should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts. Members of the Sub-Committee should not hear or decide on any applications for premises licences in their own ward.

- 2.5 Members of the Sub-Committee shall remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the application. The determination shall be based on the evidence provided, which is relevant to the licensing objectives.
- 2.6 The options available to the Sub-Committee having considered all the relevant information are as follows:
- To transfer the licence
 - To refuse to transfer the licence
- 2.7 Members of the Sub-Committee should be advised that the Police making relevant representations may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision to grant the transfer.

3. ISSUES FOR CONSIDERATION

- 3.1 The application to transfer the premises licence for Polski Mini Market was received on 17 May 2013. A copy of the application is attached to this report at Appendix 1.
- 3.2 The applicant has made a request on the application that the transfer applied for should have immediate effect.
- 3.3 There has been a representation from the Chief Officer of Police, which has been deemed relevant. A copy of the representation is attached to this report at Appendix 2.
- 3.4 The applicant's solicitor has been made aware of the representation.

4. OUTCOMES OF CONSULTATION

- 4.1 The applicant requesting the transfer of a Premises Licence must serve a copy of the application and the consent to transfer, on the Chief Officer of Police.

5. OUTCOMES OF MEDIATION

- 5.1 We have a duty to mediate in accordance with our policy. This has not been possible in this case due to the relevant circumstances.

6. LICENSING OBJECTIVES & STATUTORY PROVISIONS

6.1 The Prevention of Crime & Disorder

6.1.1 The Chief Officer of Police must give reasons why he is so satisfied that the exceptional circumstances of the case would undermine this objective. Their notice is attached to this report at Appendix B.

7. FURTHER INFORMATION & CLARIFICATION

7.1 In addition to this application, a further application to vary the Designated Premises Supervisor (DPS) has been submitted.

8. RECOMMENDATIONS

8.1 That the Sub-Committee determines the application in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant and the Police making a relevant representation.

8.2 That the Sub-Committee determines the application in accordance with the options in paragraph 2.6.

8.3 That the Sub-Committee provides the reasons for its decision.

DIRECTOR OF PLACES

Civic Centre
Ashby Road
Scunthorpe
North Lincolnshire

Author: Linda Marshall
Date: 13 June 2013

Background Papers used in the preparation of this report Nil

old - 019884
New - 020481.

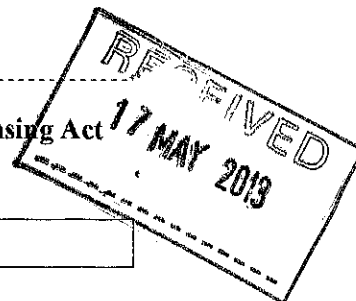
Application to transfer premises licence to be granted under the Licensing Act 2003

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 Behrooz Rahman Awla
(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below



Premises licence number

PRM 7653

Part 1 – Premises details

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

Polski Mini Market
141 Frodingham Road
Scunthorpe

Post town Scunthorpe

Post code DN15 7JT

Telephone number at premises (if any)

Please give a brief description of the premises

Lock Up Retail Shop

Name of current premises licence holder

Mako Sawin

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

Please tick yes

a) an individual or individuals*

please complete section (A)

b) a person other than an individual *

i. as a limited company

please complete section (B)

ii. as a partnership

please complete section (B)

iii. as an unincorporated association or

please complete section (B)

iv. other (for example a statutory corporation)

please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

Awla

First names

Behrooz Rahman

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

66 Digby Street
Scuthorpe
North Lincolnshire

Post town Post code

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

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) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name

Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the

application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

[Empty box for reasons]

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- 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 4 – Signatures (please read guidance note 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature

(Michael Pearce)

Date

16th May 2013

Capacity

Authorised Agent to the applicant

For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Michael Pearce FBll.tp Michael Pearce TLTC Ltd West Midlands House Gipsy Lane Willenhall West Midlands	
Post town Willenhall	Post Code WV13 2HA
Telephone number (if any) 07815 746123	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) michaelparcetltd@live.co.uk	

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Consent of premises licence holder to transfer

I **Mako Sawin**

[full name of premises licence holder(s)]

the premises licence holder of premises licence number **PRM 7653**

[insert premises licence number]

Relating to

Polski Mini Market, 141 Frodingham Road, Scunthorpe, North Lincolnshire DN15 7JT

[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

PRM 7653

[insert premises licence number]

to

Behrooz Rahman Awla

[full name of transferee].

signed



name

(please print)

Mako Sawin

dated

9th May 2013



Humberside Police
Licensing
South Bank Division
Scunthorpe Police Station,
Corporation Road,
Scunthorpe,
North Lincolnshire
DN15 6QB
Non-Emergency Tel: 101

licensingBDiv@humberside.pnn.police.uk

24 May 2013

Dear North Lincolnshire Licensing,

Application to Transfer the Premises Licence and Specification of the Designated Premises Supervisor to Mr Behrooz Rahman Awla

I write on behalf of the Chief Constable of Humberside Police. The Chief Constable wishes to make representations on Polski Mini Market on the grounds that if granted the applications would undermine the prevention of crime and disorder licensing objective and the circumstances of this case are exceptional.

The facts that the Chief Constable relies on in support of the objection are, in summary:

Recent visit carried out by North Lincolnshire Trading Standards has resulted in several packets of counterfeit and non duty cigarettes being seized. Mr Behrooz Awla was working there at that time.

The premise is currently in breach of its licensing conditions.

Mr Behrooz Awla was issued a Section 27 on the 18th May 2013 for assaulting another male in a licensed premise.

The Chief Constable reserves the right to serve further evidence in support of these representations and to expand upon the representations at any hearing in relation to the objection to the application.

Yours faithfully

Lisa Vines

Licensing Officer
Southbank Division
Humberside Police