

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION TO VARY A DESIGNATED PREMISES SUPERVISOR
MR BEHROOZ RAHMAN AWLA**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines an application to vary the Designated Premises Supervisor (DPS) of the Premises Licence Polski Mini Market, 141 Frodingham Road, Scunthorpe, North Lincolnshire
- 1.2 A copy of the application is attached to this report at Appendix 1.
- 1.3 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.

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 grant as requested
 - To reject the application
- 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 vary the designated premises supervisor.

3. ISSUES FOR CONSIDERATION

- 3.1 The application to vary the Designated Premises Supervisor at Polski Mini Market, 141 Frodingham Road, Scunthorpe, was received on 17 May 2013. The application proposes to change the DPS from Mako Sawin to Behrooz Rahman Awla. 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 variation applied for should have immediate effect.
- 3.3 The applicant holds a personal licence, issued by North Lincolnshire Council, licence number NL20393, which expires on 7 May 2023.
- 3.4 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.
- 3.5 The applicant's solicitor has been made aware of the representation.

4. OUTCOMES OF CONSULTATION

- 4.1 An applicant for the variation of a Designated premises Supervisor has to serve a copy of the application and the consent of the individual to be specified as the DPS, 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 The Sub-Committee would need to take into account that if an application to vary the Designated Premises Supervisor (DPS) was submitted at the same time as the transfer application. If the transfer has been rejected, then the applicant would not have the right to vary the DPS.

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

- Guidance issued under s182 Licensing Act 2003
- North Lincolnshire Council Licensing Policy

Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

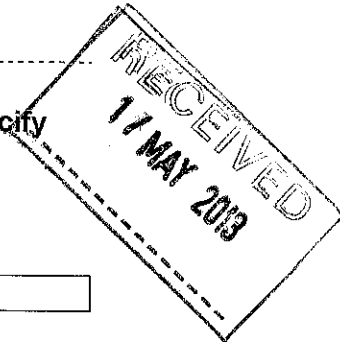
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I **Behrooz Rahman Awla**

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003



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
North Lincolnshire

Post town

Scunthorpe

Post code (if known)

DN15 7JT

Telephone number (if any)

Description of premises (please read guidance note 1)

Lock up Retail shop

Part 2

Full name of proposed designated premises supervisor

Behrooz Rahman Awla

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

NL 20393 North Lincolnshire Council

Full name of existing designated premises supervisor (if any)

Mako Sawin

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003



I have enclosed the premises licence or relevant part of it



(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- 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 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 2nd applicant 2nd 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)

Post town

Post Code

Telephone number (if any)

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

Consent of individual to being specified as premises supervisor

I BEHZOZ RAHMAN AWLA
[full name of prospective premises supervisor]

of 66 DIGBY STREET SCUNTHORPE
NORTH LINCOLNSHIRE
DN15 7LU
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

APPLICATION TO VARY LICENCE TO NOMINATE Person as DPS
[type of application]

by ME, BEHZOZ RAHMAN AWLA [name of applicant]

relating to a premises licence PREM 7653 [number of existing licence, if any]

for Polski MINI MARKET 141 FRODINGHAM
ROAD SCUNTHORPE North LINCOLNSHIRE
DN15 7JT
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made


by ME, BEHZOZ RAHMAN AWLA [name of applicant]

concerning the supply of alcohol at Polski MINI MARKET 141
FRODINGHAM ROAD SCUNTHORPE, NORTH
LINCOLNSHIRE
[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number NL 20393
[insert personal licence number, if any]

Personal licence issuing authority NORTH LINCOLNSHIRE Council
[insert name and address and telephone number of personal licence issuing authority, if any]

 signed

BEHZOZ RAHMAN AWLA name (please print)

01 MAY 2013 dated



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