

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISES LICENCE
POLISKI MINI MARKET, 141 FRODINGHAM ROAD, SCUNTHORPE**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines the application to review the premises licence for Poliski Mini Market, 141 Frodingham Road, Scunthorpe.
- 1.2 The review has been submitted by North Lincolnshire Council Trading Standards, this is attached at Appendix A. There have been no further representations.

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 the review of a licence 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 four licensing objectives. The licensing objectives are:
 - The prevention of Crime and Disorder
 - Public Safety
 - The prevention of a Public Nuisance
 - The protection of Children from Harm
- 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 Licensing (Activities) Sub-Committee having considered all the relevant information are as follows:
- To modify the conditions of the licence
 - To exclude a licensable activity from the scope of the licence
 - To remove the designated premises supervisor
 - To suspend the licence for a period not exceeding three months
 - To revoke the licence
- 2.7 Members of the Sub-Committee should be advised that the applicant for the review, the holder of the premises licence or any other person who made relevant representations in relation to the application may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

3. ISSUES FOR CONSIDERATION

- 3.1 The application for review of a premises licence for Poliski Mini Market was received on 24 September 2014. A copy of the application is attached to the report at Appendix A.
- 3.2 A copy of the application and accompanying documents has been given to the holder of the premises licence and to each responsible authority, by the applicant on the same day as the day on which the application for review was given to the licensing authority.
- 3.3 A notice under Regulation 38(a) of the Licensing Act 2003 (Advertisement of review by licensing authority) Regulations 2005, was prominently displayed for 28 consecutive days dated 24 September 2014. This notice is attached to this report as Appendix B.
- 3.4 A notice under Regulation 38(b) of the Licensing Act 2003 (Advertisement of review by licensing authority) was published on the North Lincolnshire Council Website for 28 consecutive days starting on the day after the day on which the application was given to the licensing division.
- 3.3 There have been no letters of representation received from interested parties.
- 3.5 The premises licence holder has been made aware of the representations
- 3.6 A copy of the current Premises Licence is attached to this report at Appendix C.

4. **OUTCOMES OF CONSULTATION**

4.1 An applicant wishing to review a Premises Licence has to serve a copy of the application form and accompanying documents on the premises licence holder and statutory consultees the same day as the Licensing Authority receives its copy.

4.2 The table below provides details of any comments received:

Responsible Authority	Comment
Humberside Police	No Comments Received
Humberside Fire & Rescue Service	No Adverse Comments
Environmental Health Commercial	No Adverse Comments
Health & Safety	No Adverse Comments
Health and Safety Executive (if applicable)	Not applicable.
Trading Standards	Applied for review, see Appendix A for details
Child Protection	No Comments Received
Planning	No Comments Received
Public Health	No Comments Received
Licensing Authority	No Comments Received
Interested Parties	No Comments Received
Premises Licence Holder	No Comments Received

5. **OUTCOMES OF MEDIATION**

5.1 In accordance with paragraph 22(3) of our Licensing Policy no mediation is carried out on an application for a review.

6. **LICENSING OBJECTIVES & STATUTORY PROVISIONS**

6.1 Prevention of Crime & Disorder

6.1.1 Further information regarding this objective can be found in the Licensing Policy, pages 22-24.

6.1.2 Representations have been received raising concerns with regard to this objective.

6.2 Public Safety

6.2.1 Further information regarding this objective can be found in the Licensing Policy, pages 25-27.

6.2.2 Representations have been received raising concerns with regard to this objective.

6.3 Prevention of Public Nuisance

6.3.1 Further information regarding this objective can be found in the Licensing Policy, pages 28-30.

6.3.2 Representations have not been received raising concerns with regard to this objective.

6.4 Protection of Children from Harm

6.4.1 Further information regarding this objective can be found in the Licensing Policy, pages 31-34.

6.4.2 Representations have not been received raising concerns with regard to this objective.

7. FURTHER INFORMATION & CLARIFICATION

7.1 A location plan is attached to the report as Appendix D.

8. RECOMMENDATIONS

8.1 That the Sub-Committee determines the application for review in accordance the Statutory Guidance issued under s183 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant, the premises licence holder and the parties/authorised bodies making relevant representations.

8.2 That the Sub-Committee determines the application for review 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: Narelle Plowright
Date: 29 October 2014

Background Papers used in the preparation of this report Nil

PRM21729

MAU 23113 Review

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

APPENDIX A

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 Andrew WOAD

(Insert name of applicant)

apply for the review of a premises licence under section 51 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 Polski Mini Market 141 Frodingham Road	
Post town Scunthorpe	Post code (if known) DN15 7JT

Name of premises licence holder or club holding club premises certificate (if known) Behrooz Rahman Awla
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Number of premises licence or club premises certificate (if known) PRM21729

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 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

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 Andrew WOAD North Lincolnshire Council Trading Standards Church Square House Scunthorpe DN15 6NL
Telephone number (if any) 01724 297654
E-mail address (optional) andy.woad@northlincs.gov.uk

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 checked="" 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 1)

On 18 September 2014 Polski Mini Market was searched by North Lincolnshire Council Trading Standards using a tobacco sniffer dog as part of a national operation to clamp down on the sale of illicit tobacco. The raid was planned and based on intelligence received from the public.

At the premises was Behrooz Rahaman Awla (the Premises Licence holder) and Bilbasi Sabah (shop assistant)

The search discovered large quantities of illicit tobacco.

Tobacco seized included a combination of non-duty, counterfeit and illicit whites.

Intelligence indicates that sales of illicit tobacco have been made from these premises for a number of years. Previous raids by Trading Standards and HMRC (without search dogs) have only revealed small quantities of illicit tobacco.

As well as the criminal offences for possessing counterfeit and non-duty tobacco, there are serious safety risks associated with illicit tobacco as the manufacture of the products is uncontrolled.

Please provide as much information as possible to support the application
(please read guidance note 2)

See attached statement and documents

Please tick yes

Have you made an application for review relating to this 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 this 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, 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 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Redacted Signature]

Date 24/9/14

Capacity Applicant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)
As above

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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

LICENSING ACT 2003
APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
PRESCRIBED FORM OF NOTICE

Take notice that an application has been made to North Lincolnshire Council on **24 September 2014** for a review of a premises licence in respect of the premises known as:

(Name of Premises) **Polski Mini Market**

Situated at (address) **141 Frodingham Road, Scunthorpe, DN15 7JT**

on the grounds of: On 18 September 2014 Polski Mini Market was searched by North Lincolnshire Council Trading Standards. Discovered were large quantities of illicit tobacco, which included a combination of non-duty, counterfeit and illicit whites. Intelligence indicates that sales of illicit tobacco have been made from these premises for a number of years.

Interested parties can make representations in writing to:
Technical and Environment Services, Licensing Division, P O Box 42, Church Square House, Scunthorpe, North Lincolnshire DN15 6XQ, no more than 28 days starting on the day AFTER the application was given to North Lincolnshire Council's Licensing Division ** stating the grounds for review. For guidance the Licensing Policy can be found on the North Lincolnshire website www.northlincs.gov.uk

(The review application can be viewed at Church Square House 9.30 am to 4.30 pm Monday to Friday), or can be viewed on the councils website at www.northlincs.gov.uk/licence/reviews.....

Signed

It is an offence, knowingly or recklessly, to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is £5000.

*NB ** when the application was made to North Lincolnshire Council*

NORTH LINCOLNSHIRE COUNCIL

Schedule 12

PREMISES LICENCE

Premises licence number

PRM21729

Part 1 – Premises details

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

Poliski Mini Market
141 Frodingham Road
Scunthorpe
North Lincolnshire

Post Town: Scunthorpe**Post Code:** DN15 7JT**Telephone Number:** 01724 276538**Where the licence is time limited the dates**

N/A

Licensable activities authorised by the licence

Sale of Alcohol for Consumption Off the Premises

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol for Consumption Off the Premises - Authorised Hours

Monday 08:00 hrs to 23:00 hrs
Tuesday 08:00 hrs to 23:00 hrs
Wednesday 08:00 hrs to 23:00 hrs
Thursday 08:00 hrs to 23:00 hrs
Friday 08:00 hrs to 23:00 hrs
Saturday 08:00 hrs to 23:00 hrs
Sunday 08:00 hrs to 23:00 hrs

The opening hours of the premises

Hours Premises Open to the Public

Monday 08:00 hrs to 23:00 hrs
Tuesday 08:00 hrs to 23:00 hrs
Wednesday 08:00 hrs to 23:00 hrs
Thursday 08:00 hrs to 23:00 hrs
Friday 08:00 hrs to 23:00 hrs
Saturday 08:00 hrs to 23:00 hrs
Sunday 08:00 hrs to 23:00 hrs

Where the licence authorises the supplies of alcohol whether these are on and / or off supplies

Consumption Off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Behrooz Rahman Awla
66 Digby Street
Scunthorpe
North Lincolnshire
DN15 7LU

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Behrooz Rahman Awla
66 Digby Street
Scunthorpe
North Lincolnshire
DN15 7LU

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence issued by **North Lincolnshire Council**, Licence Number: **NL20393**

Annex 1 – Mandatory Conditions

Supply of Alcohol

1. No supply of alcohol may be made under this premises licence
 - a) at a time when there is no Designated Premises Supervisor in respect of this licence, or
 - b) at a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

Drinks Promotions

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol;
 - (2) the policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 – Conditions consistent with the operating Schedule

General Conditions

Staff training with regard to age restricted sales, proxy sales and street drinkers shall take place upon commencement of employment and thereafter, at least every six months.

The DPS or duly appointed key member of staff, shall maintain a written record of all training, which employees shall be required to sign and date.

The training records shall be kept at the premises and shall be made available upon request by an authorised officer of the council, Trading Standards or a Police Officer.

The Prevention of Crime and Disorder

CCTV shall be installed at the premises, which has a continuous recording system, providing real time pictures of evidential quality in all lighting conditions at the point of sale of the alcohol.

The CCTV shall be set up to provide facial recognition of all persons entering and leaving the premises, including all fire exits and shall cover all areas of the premises where alcohol is stored and all the areas where alcohol is sold; and

- recordings shall be correctly marked with the time and date,
- recordings shall be retained in date order, numbered sequentially and shall be retained for a minimum of 31 days from the date of recording; and
- the premises licence holder shall ensure that during the opening hours of the premises an appointed member of staff is capable of downloading and recording the CCTV footage and shall provide such recordings to officers under the discretion and control of the Chief Constable of Humberside Police, an authorised Officer of the Licensing Authority or Trading Standards; and
- the recording equipment and all media used to record data shall be kept in a secure environment under the control of the DPS; and
- a monitor with a minimum 21 inch screen shall be placed in such a location that it can be easily viewed by staff working at the point of sale and customers on entry to the premises, and
- signs shall be displayed stating that CCTV is in operation at the entrance to the premises and where alcohol is displayed, and
- the CCTV equipment and all cameras shall be kept clean and in full working order, and
- an operation log shall be maintained on a daily basis, which shall be signed by the DPS or other responsible person, who shall check to ensure that the system is operating in accordance with the licence conditions. Following the check, the DPS or responsible person shall record the date and time of the check and sign the log, including their full name in block capital letters. The log shall be available upon request by officers under the discretion and control of the Chief Constable of Humberside Police or an authorised Officer of the Licensing Authority.

A personal licence holder shall be present on the premises at all times when the premises is open and selling alcohol to the public.

All alcohol shall be behind the sales counter and down the left hand side of the servery.

There shall be no discounted alcohol advertising or promotion be undertaken either in store or by leaflet.

Public Safety

No conditions attached

The Prevention of Public Nuisance

No conditions attached

The Protection of Children from Harm

Persons who appear to be under 25 years shall be requested to show a form of identification. The only forms of identification to be accepted shall be passports, photograph equipped driving licences and approved proof of age scheme cards such as 'Citizen' and 'Portman Group' as proof of age.

A refusals book or electronic log shall be kept at the counter to record the details of all refused sales. The book/log shall be regularly audited by the DPS or duly appointed key member of staff to assess employees compliance with the premises policy on refusing age restricted sales. The book/log shall be made available upon request by an authorised officer of the council, Trading Standards or a Police Officer.

Signs shall be displayed stating that the premises operates a Challenge 25 Policy.

Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans

As attached

NORTH LINCOLNSHIRE COUNCIL

Part B

Premises licence summary

Premises licence number

PRM21729

Premises details

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

Poliski Mini Market
141 Frodingham Road
Scunthorpe
North Lincolnshire

Post Town: Scunthorpe

Post Code: DN15 7JT

Telephone Number: 01724 276538

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Sale of Alcohol for Consumption Off the Premises

The times the licence authorises the carrying out of licensable activities

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Where the licence authorises the supplies of alcohol whether these are on and / or off supplies

Consumption Off the Premises

Name, (registered) address of holder of premises licence

Mr Behrooz Rahman Awla
66 Digby Street
Scunthorpe
North Lincolnshire
DN15 7LU

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Behrooz Rahman Awla

State whether access to the premises by children is restricted or prohibited

Unrestricted



Title: Generic Mapping-Profile
 Drawn By: generic-NLC
 Date: 29/10/2014
 © Crown copyright and database rights 2014, Ordnance Survey 0100023560



FOX STREET



0 10 20 28 meters

Shelter

40.7m

40.8m

100 to 10498 96

116 114 108

126

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