

**DECISION NOTICE - LICENSING ACT 2003 SUB-COMMITTEE**

**REVIEW OF PREMISES LICENCE- MINI POLI – 44 – 46 IVATT WAY, PETERBOROUGH, PE3 7PN**

**18 NOVEMBER 2013**

The Committee was informed that the premises licence holder for Mini Poli situated at 44-46 Ivatt Way, had surrendered the premises licence. The Committee agreed that the review into this licence would be withdrawn.

Sub-Committee Chairman  
Councillor Thacker

**DECISION NOTICE - LICENSING ACT 2003 SUB-COMMITTEE**

**REVIEW OF THE PREMISES LICENCE – MINI POLI - ASHWOOD HOUSE, UNIT A, ENTERPRISE WAY, BRETTON WAY, PETERBOROUGH, PE3 8YG**

**18 NOVEMBER 2013**

This Decision Notice refers to the review of the premises licence for Mini Poli, Ashwood House, Unit A Enterprise way, Bretton, Peterborough, PE3 8YQ.

We have considered the representations made to us today and in writing in support of the review by:

- Trading Standards, the Applicant for the review;
- The Police, Responsible Authority; and
- Her Majesty's Customs and Revenue (HMRC).

The review relates to the promotion of the licensing objective 'the prevention of crime and disorder'.

The facts are that 51,506.46 litres of beer and cider, and 9.5 litres of spirits were seized from three premises by HMRC on 4 July 2013, following a number of visits to Mini Poli 44-46 Ivatt Way, Peterborough.

HMRC stated that £66,167.48 of revenue had not been paid on the seized goods.

A number of invoices and other associated documents were also seized.

The three premises were:

- Mini Poli at Ivatt Way;

- Mini Poli at Enterprise Way; and
- A warehouse used to store goods for Mini Poli Ltd.

HMRC stated that no formal request for the return of the seized goods had been received within the requisite 28 day period and therefore the goods have been destroyed.

It appears that there was no record of batch numbers or of provenance held by HMRC.

A letter dated 8 August 2013 received by HMRC on 7 August 2013 from ARWC Consulting Ltd acting for the premises licence holder contained a request that the goods be returned. In a reply dated 7 August 2013 HMRC enquired if there was to be official challenge to the seizure of goods and if so, a Condemnation Hearing before the Magistrates' Court would take place. There had been no reply to this letter.

To date, no invoices or proof of revenue paid had been supplied to HMRC by the licence holder nor have any documents seized, shown that revenue had been paid.

HMRC visited Mini Poli in Ivatt Way on 12 June, 18 June and 3 July 2013. On these occasions those present from Mini Poli were afforded the opportunity to supply evidence of revenue paid on a number of alcohol purchases.

On 4 July 2013, HMRC seized the goods from all three premises and paper records.

The paper records had not shown that revenue had been paid. We were directed to section 118 of the Customs and Excise Management Act 1979, which places a duty on revenue traders to keep records and furnish records and information.

We accept that this duty applied to the premises licence holder.

The representative for the licence holder stated that:

- The goods seized were for wholesale which was an unlicensed activity;
- The company had been unable to confirm purchases were made legitimately as HMRC retained the invoices and paperwork, and that some deliveries were made without delivery notes;
- The Company via a consultancy firm did seek the return of the seized goods by letter dated 8 August 2013, apparently received by HMRC on 7 August 2013;
- The company was not responsible for import duty; and
- There had been no evidence that the goods had been smuggled as no traceability exercise had been conducted.

We were referred to the Government Guidance at paragraph 11.28, which states that 'where the premises were being used to further crimes, it was expected that revocation of the licence even in the first instance should be considered'.

At paragraph 11.27 the guidance states 'certain criminal activity should be treated particularly seriously. These include for 'the sale of smuggled alcohol'.

We considered that there had been no information put before us today that demonstrated revenue had been correctly and lawfully paid on the seized alcohol.

We considered this to be a large operation and that a significant amount of alcohol was seized. There were three premises involved with the sale and or storage of alcohol.

We attach more weight to the information given to us by the officers, than we do to the submissions made on behalf of the licence holder.

We have considered the options available to us. These were:

- to modify the conditions on the licence;
- remove the DPS;
- suspend the licence; and
- revoke the licence.

We do not consider that we can apply appropriate conditions as existing law covers the collection of revenue and any conditions would only reflect that existing law.

Given the amount seized and the ongoing issues with seeking proof of purchase, we do not consider a change of DPS is appropriate, nor a suspension of the licence would suffice in these circumstances.

We therefore revoke the licence for the premises, known as Mini Poli Ashwood House, situated on Enterprise Way, Bretton Way, Peterborough. We take a very serious view of non-payment of revenue.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:

Peterborough Court House, Bridge Street, Peterborough, PE1 1ED. Tel No. 0845 3100575. There is a fee to pay.

Councillor Thacker  
Sub-Committee Chairman