

## LICENSING ACT 2003 SUB-COMMITTEE

WEDNESDAY 16 AUGUST 2017

1.30 PM

Council Chamber - Town Hall

### AGENDA

Page No

1. **Apologies for Absence**
2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification " that has been disclosed to the Solicitor to the Council.

3. **Application for New Premises Licence - Baltija, 148 Huntly Grove, Peterborough. PE2 7DF** 3 - 50



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Karen Dunleavy on 01733 452233 as soon as possible.

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<http://democracy.peterborough.gov.uk/documents/s21850/Protocol%20on%20the%20use%20of%20Recording.pdf>

Committee Members:

Councillors: Ayres (Chairman), Allen and B Saltmarsh

Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 452233 or by email – [karen.dunleavy@peterborough.gov.uk](mailto:karen.dunleavy@peterborough.gov.uk)

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<b>LICENSING ACT 2003 SUB COMMITTEE</b>		AGENDA ITEM No. 3
<b>16 AUGUST 2017</b>		<b>PUBLIC REPORT</b>
Contact Officers:	Kerry Leishman, Licensing & Business Manager Darren Dolby, Licensing Regulatory Officer	Tel: 453502 Tel. 453540

<b>APPLICATION:</b>	<b>NEW PREMISES LICENCE</b>
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<b>APPLICANT:</b>	Mr Dildar Hamid Salih
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<b>REFERENCE NO:</b>	075537
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<b>PREMISES:</b>	Baltija, 148 Huntly Grove, Peterborough. PE2 7DF
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<b>GLOSSARY OF TERMS:</b>	Attached at <b>Appendix A</b> on <b>Page 8</b>
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## 1. PURPOSE OF REPORT

- 1.1 To consider and determine this application for a new premises licence for Baltija, 148 Huntley Grove, Peterborough, PE1 2QN taking into account the background information and representations received from 2 responsible authorities in opposition of the application.

## 2. BACKGROUND INFORMATION

- 2.1 On 1<sup>st</sup> August 2005 an application was made by Mr Hafeez Rehman to convert a Justices Alcohol Licence to a Premises Licence under the Licensing Act 2003. The application was successful with no representations and the premises licence was granted on 30<sup>th</sup> August 2005. The hours that alcohol was permitted for off sales only were Monday to Saturday 8am to 11pm and 10am to 10.30pm on Sunday.
- 2.2 On 1<sup>st</sup> December 2009 an application to transfer the premises licence and designated premises supervisor was made by Mr Paul Chung Nam Lee. There were no representations made and the applications were granted on 16<sup>th</sup> December 2009. The premises was named 'Jip's Convenience Store'.
- 2.3 On 9<sup>th</sup> March 2015 an application to transfer the premises licence was made by Mr Marwan Jalal Jabari and at the same time a DPS transfer to Mrs Gitana Siatkiene was applied for. Both applications were granted as there were no representations made. The premises's name was changed to 'Baltia'.
- 2.4 On 20<sup>th</sup> May 2015 an application for the review of the premises licence for 'Baltia' was made by Cambridgeshire Constabulary. The review was applied for under the grounds of the premises breaching the licensing objective of 'Crime & Disorder' in relation to the premises being used for the sale and/or storage of smuggled alcohol and tobacco. A copy of the review document can be found at **Appendix B – Page 11**. The review hearing was held on 9<sup>th</sup> July 2015 and resulted in the premises licence being revoked. A copy of the

Licensing Act 2003 Sub Committee's Decision Notice can be found at **Appendix C – Page 19**.

2.5 Recent visits from Licensing Regulatory Officers and Police have resulted in finding one of the subjects implicated in the review, Mr Saade Jalal Jabar, being present at the premises.

### **3. AUTHORISATIONS AND TIMES APPLIED FOR**

- **Sale of alcohol for consumption off the premises**

Monday to Sunday 08.00 to 22.00

- **Hours premises are open to the public**

Monday to Sunday 08.00 to 22.00

### **4. APPLICATION**

4.1 Please refer to the application attached at **Appendix D – Page 23** The applicant is being represented by his agent, Mr Paul Byatt of Licensed Inn Tuition.

4.2 Representations against the application have been received from Trading Standards and Cambridgeshire Constabulary in their capacity as 'Responsible Authorities'. These are attached at **Appendix E and F on Pages 47 and 49**.

4.3 Part P of the application sets out the applicant's proposed conditions under the licensing objectives, these being, 'The Prevention of Public Nuisance', 'Public Safety', 'Prevention of Crime and Disorder' and 'The Protection of Children from Harm'. These are also contained within the body of this report (in section 7) and in accordance with section 10.5 of Guidance have been interpreted into enforceable conditions. Only those appropriate and proportionate for the promotion of the licensing objectives have been included in the Operating Schedule.

4.4 No representations have been received from any other of the Responsible Authorities i.e. Public Health Authority, Cambridgeshire Fire and Rescue Service, Licensing Authority, Peterborough City Council Planning Department, Peterborough City Council Health & Safety Department, Peterborough City Council Environmental Pollution Team, or Children's Services. There are no representations from any 'other persons'.

4.5 A 'Notice' was displayed in the newspaper in accordance with Part 4 No. 25 of Statutory Instruments 2005 No. 42 – The licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

### **5. REPRESENTATIONS**

5.1 Summary of issues raised by authorities objecting to the application:

- Concerns that previous management of the premises when it was found to be used for illegal sales of smuggled goods will still retain a controlling influence of the applicant if the licence was granted. This could then lead to further sales of illegal goods.

5.2 There were no representations in support of the application.

## **6. MEDIATION**

6.1 No mediation has taken place.

## **7. APPLICANT'S PROPOSED CONDITIONS UNDER THE LICENSING OBJECTIVES :**

### **7.1 Crime and disorder**

- A digital CCTV system shall cover all areas of the premises to which the public have access including any outside areas
- Digital CCTV images shall be retained for a minimum of 28 days and should be produced to a Police Officer (including PCSOs) or Local Authority Officer immediately upon demand..
- The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of a least 2 hours afterwards.
- The CCTV system shall be capable of downloading images to a recognizable viewable format.
- At all times the premises are open for business a member of staff shall be present who is capable of operating the digital CCTV system and downloading images at the request of a Police Officer (include PCSO) or Local Authority Officer.
- The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders of every person entering or leaving the premises.
- If the CCTV equipment (including any mobile units in use at the premises) breaks down the premises licence holder or the designated premises supervisor shall ensure that they verbally inform both the Police & Licensing Authority as soon as is reasonably practicable. This information should be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Police and Licensing Authority shall be informed when faults are rectified.
- A alcohol refusals register will be kept at the premises and kept an maintained by all staff. The register will contain the date and time of the potential sale, what product was refused and a brief description of the person and the name and signature of the person who refused the sale

### **7.2 Prevention of Public Nuisance**

- Persons will be discouraged from congregating outside of the premises.
- No alcohol purchases will be permitted to be consumed either on the premises nor in the near vicinity of the premises.
- Prominent, clear and legible notices at all exits shall be displayed on the premises requesting patrons to respect the needs of local residents and to leave the premises and the area quietly

### 7.3 **Protection of children from harm**

- The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises and signage will be prominently placed within the premises advertising the fact that the premises operates the 'Challenge 21' / 'Challenge 25' initiative

### 7.4 **Public Safety**

- A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.

## 8. **POLICY & GUIDANCE IMPLICATIONS**

8.1 The following sections/paragraphs are applicable to this application:

### 8.2 **Council's Statement of Licensing Policy**

- Objectives, Section 4 on Page 7 and 8
- Fundamental Principles, Section 6 on Page 6 and 7
- Licence Conditions, Section 14 page 17
- Delegation / Decision Making / Administration, Section 17 on Page 19 and 20

### 8.3 **Guidance Issued under Section 182 of the Licensing Act 2003 April 2017**

- The Licensing Objectives – Section 2 pages 7 to 17
- Applications for Premises Licences – Section 8 pages 52 to 62
- Determining applications – Section 9 pages 70 to 78
- Conditions Attached to Premises Licences – Section 10 page 79 to 90

## 9. **LICENSING OFFICER'S COMMENT (FOR INFORMATION)**

9.1 Regulation 19(a) requires authorities to disregard any information given by a party or person that is "not relevant" to the application.

9.2 Members should note that the letters and emails attached are in their entirety and that not all matters raised within the representations are relevant matters for consideration under the Licensing Act 2003. It is up to the Committee to decide upon what 'weight' they attach to these areas.

## 10. **LEGAL OFFICER'S COMMENTS**

10.1 The Licensing Authority (hereafter referred to as "the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a new licence made under Section 17 of the Licensing Act.

10.2 In this case, the application was received at these offices on 26 June 2017.

10.3 The application before this committee will be treated on its own merits, and the Licensing committee will make its decision based upon:

- The merits of the application;
- The promotion of the four licensing objectives;

- The statement of policy of the Licensing Authority; and
- The Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003 – October 2014.

10.4 The licensing authority may determine the application, depending upon what is appropriate for the promotion of the licensing objectives, in any of the following ways:

- Decide to grant the licence in the same terms as it was applied for;
- Decide to grant the licence, but to modify or add conditions (to promote the licensing objectives);
- Exclude from the scope of the licence a licensable activity; and
- Decide to refuse to grant the licence.

10.5 Conditions are modified if they are altered, omitted or any new condition added (Section 35(4) Licensing Act 2003).

## APPENDIX A

### LICENSING ACT 2003

### GLOSSARY OF TERMS

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

#### **'Child'**

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

**DCMS:** Department for Culture Media and Sport

**'Designated Premises Supervisor'** means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

#### **'Other Persons':**

- persons who live, or are involved in a business, in the relevant licensing Authorities area and who are likely to be affected by the application and are not a Responsible Authority.

**'Late Night Refreshment'** means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

**'Licensable Activities'** means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

**'Licensing Authority':** - is the licensing function of Peterborough City Council

**'Licensed Premises'** includes club premises and events unless the context otherwise requires.

#### **'Licensing Objectives'**

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

**'Operating Schedule'** means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor

- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken to promote the Licensing Objectives

**‘Challenge 25’** means that a retailer will ask for proof of identification if they have reason to believe that the person making a purchase of alcohol is under the age of 25.

**‘Rateable Value’**: as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

**‘Regulated Entertainment’** (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Except where there is an exemption under the Live Music Act 2012 or Statutory Instrument 2013 No. 1578 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

**‘Relevant Licensing Authority’**: is the Authority in the area the premises are situated.

**‘Responsible Authority’** means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children’s Services – Child Protection & Review Manager
- Primary Care Trust or Local Health Board (Director of Public Health)
- The Relevant Licensing Authority, Peterborough City Council
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

**‘Supply of alcohol’**:

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

**‘Temporary Event Notice’** means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 168 hours (7 days);
- Scale – they cannot involve the presence of more than 499 people at any one time;

- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used; and
- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

**‘the Act’**: means the Licensing Act 2003

LC1



**Peterborough City Council, Licensing Section, Bayard Place,  
Broadway, Peterborough, PE1 1FZ.**

**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, Simon Parr, Chief Constable of Cambridgeshire Constabulary apply for  
the review of a premises licence under section 51 of the Licensing Act  
2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or club premises, or if none, ordnance survey map reference or description</b>	
Baltia Off License (formerly JIP Convenience Store) 148 – 150 Huntly Grove	
<b>Post town</b> PETERBOROUGH	<b>Post code (if known)</b> PE1 2QN
<b>Name of premises licence holder or club holding club premises certificate (if known)</b>	
Mr Marwan Jalal Jabari, 51 Shortfen, Orton Malborne, Peterborough, PE2 5NP	
<b>Number of premises licence or club premises certificate (if known)</b>	
071101	

## Part 2 - Applicant details

Please tick ✓ yes

I am

- 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)

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

**Surname**

**First names**

I am 18 years old or over

Please tick ✓ yes

**Current address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Cambridgeshire Constabulary Hinchingsbrooke Park Huntingdon Cambridgeshire PE29 6NP
Telephone number (if any) 01733 424438
E-mail (optional) grahame.robinson@cambs.pnn.police.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 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 note1)

This application to review the premises license for Baltia Off License is based on evidence which shows breaches to the licensing objective of:

- Crime & Disorder – the premises is being used for the sale and/or storage of smuggled tobacco and alcohol.

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

Re: License Review – Baltia Off License, 148-150 Huntly Grove, Peterborough.

'Baltia' is an off license / convenience store operating under a premises license (PL No: 071101) issued by Peterborough City Council (PCC). The premises was, until recently, known as JIP Convenience Store, when following a premises license transfer and designated premises supervisor variation, the name was changed to 'Baltia'.

The new premises license holder is Mr. Marwan Jalal Jabari, 51 Shortfen, Orton Malborne, Peterborough, PE2 5NP (as applied for). The new designated premises supervisor (DPS) is Mrs. Gitana Siatkiene, 87b Crown Street, New England, Peterborough, PE1 3HX. The premises license allows the sale of alcohol between 08:00hrs and 23:00hrs Monday to Saturday and 10:00hrs and 22:30hrs on a Sunday.

The applications to transfer the premises license and vary the DPS were received by the Police and Licensing Authority in Mar 2015. Routine background checks were carried out at the time and the applications were processed. However recent information has come to light that has set doubt on the whole transfer process, that which we believe involves the sole purpose of criminality connected to the sale of illicit/counterfeit cigarettes and alcohol.

The application to transfer the premises license was made out in the name of Marwan Jalal Jabari of 51 Shortfen, Orton Malborne, Peterborough. My investigation has revealed that this person does not live at this address, which is in fact the home address of the DPS son and the DPS when convenient. Marwan does in fact live in Scotland and has lived there at least since January 2013. Other checks confirm that he lives and works in Glasgow. What is certain is that Marwan does not live at 51 Shortfen – probably never has – and that his current address cannot be confirmed as being the correct official address for him. Therefore, any official correspondence in connection with the premises would most probably land in the hands of the DPS.

PC Gary Johnson of the CAN-Do Team recently carried out a number of visit to the premises, were the detail came to light. He attempted to speak with Marwan, after being told by the DPS that he was away on holiday in Scotland. Marwan confirmed he was in Scotland but categorically refused to give his address, and thereafter did not answer his phone.

It is believed that Marwan does not have any controlling influence or business connection with the premises and is merely a name on a piece of paper to facilitate the successful transfer of the Premises License to the DPS and her silent partner.

The DPS variation application, received at the same time, was made out in the name of Mrs. Gitana Siatkiene, 87b Crown Street, New England, Peterborough,

PE1 3HX. She holds an alcohol personal license, reference: 067992, issued by Peterborough City Council. Gitana was the owner of the Euroshop, 135 Dogsthorpe Road, Peterborough. Saade Jalal Jabar who was connected to the shop lives at 87b Crown Street, New England, Peterborough, PE1 3HX with his partner Gitana.

On Thursday 19<sup>th</sup> September 2013 Trading Standards made an appropriate and successful representation against a premises license application submitted by Gitana Siatkiene for Euroshop, which was supported by Cambridgeshire Constabulary. The applicants address as applied for on the paperwork indicated 87b Crown Street, Peterborough.

The Euroshop had been under the scrutiny of HM Revenue & Customs and Trading Standards with successive finds of illicit / counterfeit cigarettes and alcohol. Previous history shows us that there were 3 seizures by HM Revenue & Customs in August 2011, November 2011 and January 2012. These seizures totaled over 160,000 foreign labelled cigarettes, 33.6 litres of Lithuanian Vodka and 121.6 litres of other alcoholic beverages from the Euroshop and 87b Crown Street. As a result Mr. Jabar was prosecuted, pleaded guilty and sentenced to 2 years in prison on 4 counts of knowingly keeping, harboring or in any manner dealing with those goods with intent to defraud her majesty of duty payable on those goods. The cigarettes and alcohol were' confiscated and disposed of.

Whilst Gitana was investigated she was not formally charged, however she was at the premises each time an inspection took place, is the partner of Jabar and resides in the same address as him. She now operates the off license on Huntly Grove, whilst the premises license holder appears to have no direct or indirect connection to the premises.

Police Officers have attended the off license and found Jabar working at the premises, and on one occasion was painting the front door. He was described as being extremely nervous when he realized officers recognized him. Concerns were raised with myself and the responsible authorities and the transfer process was revisited more thoroughly.

In the meantime HM Revenue & Custom, Trading Standards and Police Officers from Operation CAN-Do executed a warrant at 'Baltia', 148-150 Huntly Grove on 10<sup>th</sup> May 2015. A substantial amount of illicit cigarettes and alcohol were found. The matter is still subject of a HM Revenue & Customs criminal investigation.

The Licensing objective of preventing crime and disorder is no being upheld by Gitana or those she associates with. Guidance in accordance with Section 182 of the Licensing Act 2003 Para 11.27 states –

*“There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously”.*

This includes amongst other criminal activity –

*“The sale or storage of smuggled tobacco and alcohol”.*

Para 11.28 states –

*“It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered”.*

Cambridgeshire Constabulary recommend the Premises License is revoked with immediate effect

Please tick

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

 No

If yes please state the date of that application

Day Month Year

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**Suggested Recommendation:**

Cambridgeshire Constabulary recommend that the premises license for Baltia Off License is revoked with immediate effect.

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** (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature: GRAHAME PAUL ROBINSON.....

Date: 19<sup>th</sup> May 2014.....

Capacity: Police Licensing Officer, Northern District, Cambridgeshire Constabulary.

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**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.

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

**REVIEW OF THE PREMISES LICENCE – BALTIA OFF LICENCE - 148/150 HUNTLY GROVE, PETERBOROUGH, PE1 2QN**

**9 JULY 2015**

This Decision Notice refers to the review of the premises for Baltia Off Licence - 148/150 Huntly Grove, Peterborough, PE1 2QN.

The Sub-Committee has considered the representations made at the hearing and in writing in support of the review by:

- Cambridgeshire Constabulary;
- Trading Standards;
- Eastern Neighbourhood Delivery Team; and
- Representative of the Premises Licence Holder.

In its deliberation, the Sub-Committee gave consideration to the facts submitted, those being:

- Illicit tobacco and cigarettes found hidden in the premises;
- The DPS had a Premises Licence application for another premises refused by the Licensing Act 2003 Sub-Committee in September 2013. This was after a representation from Trading Standards after seizures of illicit alcohol and cigarettes on the premises;
- Section 11.28 of Guidance (issued under section 182 of the Licensing Act 2003) recommends that revocation of the licence even in the first instance, should be seriously considered where reviews arise and the licensing authority determines, that the crime prevention objective is being undermined through the premises being used to further crimes;
- Impact on Public Safety as the illicit cigarettes breach EU Standards which is an offence under UK regulations requiring traders to supply safe goods; and
- The distribution and sale of illicit goods is linked to serious and organised crime.

The Sub-Committee considered such steps as appropriate to promote the licensing objective, of the prevention of crime and disorder. The steps are:

- to modify the conditions of the Premises Licence;
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor from the licence;
- to suspend the licence for a period not exceeding three months; or

- to revoke the licence.

The review of the Premises Licence for Baltia (formerly Jip Convenience Store), situated at 148-150 Huntly Grove, Peterborough, was applied for by the Cambridgeshire Constabulary, and relates to the licensing objective of prevention of crime and disorder.

The Premises Licence allows for the sale of alcohol between 0800hrs to 2300hrs on Mondays through to Saturdays, and on Sundays from 1000hrs to 2230hrs.

Recorded music is also licensed for when the premises are open.

The Premises Licence holder is recorded as being Mr Marwan Jalal Jabari, of 51 Shortfen, Orton Malborne, Peterborough.

This address is in fact the home of Ms Siatkiene's son.

The Designated Premises Supervisor (DPS) is Ms Gitana Siatkiene.

Ms Siatkiene previously owned a licensed premises known as the Euroshop on Dogsthorpe Road, Peterborough, with her partner, Mr Saade Jalal Jabar.

On 19<sup>th</sup> September 2013, Ms Siatkiene was refused a Premises Licence for the Euroshop.

Following their investigations, the police determined that Mr Marwan Jalal Jabari lives in Scotland and has done so since January 2013. When spoken to on the telephone, Mr Marwan Jalal Jabari refused to give his address and refused to speak further with officers.

The application to transfer the Premises Licence to Mr Marwan Jalal Jabari was made in May 2015. Ms Siatkiene was also named as the Designated Premises Supervisor.

On 10 May 2015 the premises were visited by Trading Standards and Her Majesty's Revenue and Customs Service. A seizure of 13 bottles of non-duty paid spirits, 7 packets of non-duty paid cigarettes and 28 packets of non-tobacco flavoured molasses, was made.

In Mr Saade Jalal Jabar's car situated outside the shop, a further 46,000 cigarettes, 16 kilogrammes of hand rolling tobacco, and nearly 3 litres of spirits were found. Duty had not been paid on these items.

The Euroshop was the subject of previous seizures made by Trading Standards and HMRC Service. These took place in August 2011, November 2011 and January 2012. Mr Saade Jalal Jabar received a two year custodial sentence for defrauding Her Majesty of revenue payable on the seized goods.

The Sub-Committee acknowledge that this review is for a different premises and that Mr Saade Jalal Jabar is not the Premises Licence holder or the designated premises supervisor, but the Sub Committee do believe that he is a controlling influence on the business and have taken into account his association with the premises.

The Sub-Committee cast doubt on the true motives behind the licence transfer in March of this year and believe that it was not for legitimate business reasons.

The Sub-Committee believe that the business is being operated by the DPS and Mr Saade Jalal Jabar without any responsibilities under the Licensing Act resting on Mr Marwan Jalal Jabari

The transfer of the licence and the lack of accountability demonstrated at these premises goes against the spirit of the Licensing Act and is a manipulation designed to promote dishonesty and criminal activity.

The Government guidance states that 11.26 *Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.*

11.27 *There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. This includes: for the sale or storage of smuggled tobacco*

11.28 *It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.*

Counsel for the Premises Licence Holder informed the Sub-Committee that:

- A quantity of alcohol seized from the shop was for personal use as it was the birthday of Mr Saade Jalal Jabar;
- The DPS no longer has a personal relationship with Mr Saade Jalal Jabar and is willing to offer as a condition that Mr Saade Jalal Jabar be banned from the premises; and
- The DPS was unaware of the illicit goods stored in the shop.

The Sub-Committee attach little credibility to the submissions made by Counsel on behalf of his client.

The Sub-Committee believe that the DPS should have acted with greater responsibility given her previous history associated with illicit goods. The Sub-Committee believe that the controlling mind behind the business is in fact Mr Saade Jalal Jabar and that Mr Marwan Jalal Jabari, brother to Mr Saade Jalal Jabar, has no control or influence whatsoever in the running of the business.

The Sub-Committee have considered removing the DPS from the premises, to suspend the licence for a period not exceeding three months and to amend the conditions.

The Sub-Committee do not believe that any other step other than revocation will be sufficient to promote the licensing objective of the prevention of crime and disorder.

The Sub-Committee therefore revoke the licence for the premises, known as Baltia Off Licence - 148/150 Huntly Grove, Peterborough, PE1 2QN, in its entirety.

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 MBE

Sub-Committee Chairman

26 JUN 2017

LICENSING

**Application for a 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/we DIKDAR HAMID SALIH.  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
BALTJA 148 HUNTLEY GROVE			
Post town	PETERBOROUGH	Postcode	PE1 2QN
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 9,200	Sand B.

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as      Please tick as appropriate

- a) an individual or individuals \*       please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership       please complete section (B)
  - ii as a partnership (other than limited liability)       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) a person 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 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 (by ticking yes to one box below):

- 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 <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname		SAH H		First names	
		DILDAK			
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality		KURDISH (WITH BRITISH CITIZENSHIP)			
Current residential address if different from premises address		415A LINCOLN ROAD			
Post town		PETERBOROUGH		Postcode	
				PE1 2PF	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname		First names			

<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/> Please tick yes	
<b>Nationality</b>			
Current residential address if different from premises address			
Post town		Postcode	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

**(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 Operating Schedule**

When do you want the premises licence to start?

DD MM YYYY  
 23 07 2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY  
25 07 2017

Please give a general description of the premises (please read guidance note 1)

INTERNATIONAL GROCERY STORE LICENSED TO  
SELL ALCOHOL.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)



**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b>Please give further details</b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 5)
Wed			
Thur			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)	
			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)	
Mon				
Tue				
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)	
Thur				
Fri				
Sat			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Sun				

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)	
Mon				
Tue				
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)	
Thur				
Fri				
Sat			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Sun				

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)	
Mon				
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)	
Wed				
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Fri				
Sat				
Sun				

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 4)		
Wed					
Thur					
Fri			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Sat					
Sun					
			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption</b> – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)					
Mon	08 <sup>00</sup>	22 <sup>00</sup>						
Tue	08 <sup>00</sup>	22 <sup>00</sup>						
Wed	08 <sup>00</sup>	22 <sup>00</sup>						
Thur	08 <sup>00</sup>	22 <sup>00</sup>				<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri	08 <sup>00</sup>	22 <sup>00</sup>						
Sat	08 <sup>00</sup>	22 <sup>00</sup>						
Sun	08 <sup>00</sup>	22 <sup>00</sup>						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	DILDAR SALIH.		
Date of birth	01-09-1976		
Address	415A LINCOLN ROAD PETERBOROUGH		
Postcode	PE1 2PF		
Personal licence number (if known)	072864.		
Issuing licensing authority (if known)	PETERBOROUGH CITY COUNCIL		

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08 <sup>00</sup>	22 <sup>00</sup>	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)
Tue	08 <sup>00</sup>	22 <sup>00</sup>	
Wed	08 <sup>00</sup>	22 <sup>00</sup>	
Thur	08 <sup>00</sup>	22 <sup>00</sup>	
Fri	08 <sup>00</sup>	22 <sup>00</sup>	
Sat	08 <sup>00</sup>	22 <sup>00</sup>	
Sun	08 <sup>00</sup>	22 <sup>00</sup>	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

SEE ATTACHED APPENDIX

**b) The prevention of crime and disorder**

SEE ATTACHED APPENDIX

**c) Public safety**

SEE ATTACHED APPENDIX

**d) The prevention of public nuisance**

SEE ATTACHED APPENDIX

**e) The protection of children from harm**

P10

SEE ATTACHED APPENDIX

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

**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.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	X
Date	19.06.2017
Capacity	OWNER

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 13). **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 14)			
PAUL BATT		Licencedian Taitan	
Post town		Postcode	
Telephone number (if any)	01553 630993		07704 656469
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
licencedian.taitan@hotmail.com			

#### Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:

## APPENDIX 1

'Baltija'

148 Huntley Grove, Peterborough, PE1 2QN

Shop PROPOSED Conditions:

### Part M

Describe the steps you intend to take to promote the four licensing objectives

**a) General – All Four Licensing objectives, (b,c,d and e)**

- The licence holder shall operate and maintain a refusals register in respect of declined sales of alcohol where the attempted purchaser was suspected of being under 18 years of age or drunk.
- The refusals register shall be kept on the premises and be made available immediately upon request to an authorised officer of the Police or Local Authority
- Customers will not be permitted to consume alcohol on the premises as per the mandatory conditions for off-license sales only.
- 

**b) The prevention of crime and disorder**

- CCTV WILL be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises and all areas where the sale/ supply of alcohol occurs. Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a minimum period of 28 days and handed to Police on demand.

The Premises Licence Holder must ensure that at all times the DPS and all appointed members of staff are capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police.

- The 'Challenge 25 scheme' will be implemented to ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder follows the guidelines of the Challenge 25 scheme and asks for photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age and to ensure that signs relevant to this condition are prominently displayed at the premises.

**c) Public Safety**

- The premises will conform to all statutory health and safety Requirements

**d) The prevention of public nuisance**

- Persons shall be discouraged from congregating outside of the premises
- No alcohol purchases to be consumed in the near vicinity of the premises.
- The licence holder shall operate and maintain a refusals register in respect of declined sales of alcohol where the attempted purchaser was suspected of being under 18 years of age or drunk.
- Customers will not be permitted to consume alcohol on the premises as per the mandatory conditions for off-license sales only.

**e) The protection of Children from harm**

- The challenged 25 scheme will be implemented
- To ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder follows the guidelines of the Challenge 25 scheme and asks for photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age and to ensure that signs relevant to this condition are prominently displayed at the premises.

---

Sunday	08:00	-	22:00
Monday	08:00	-	22:00
Tuesday	08:00	-	22:00
Wednesday	08:00	-	22:00
Thursday	08:00	-	22:00
Friday	08:00	-	22:00
Saturday	08:00	-	22:00
Non Standard Timings / Seasonal Variations			



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

DILDAR HAMID SALIH  
[name of applicant]

concerning the supply of alcohol at

'BALIJA'  
148 HUNTLEY GROVE  
PETERBOROUGH  
PE1 2QN.

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

072864  
[insert personal licence number, if any]

Personal licence issuing authority

PETERBOROUGH CITY COUNCIL  
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

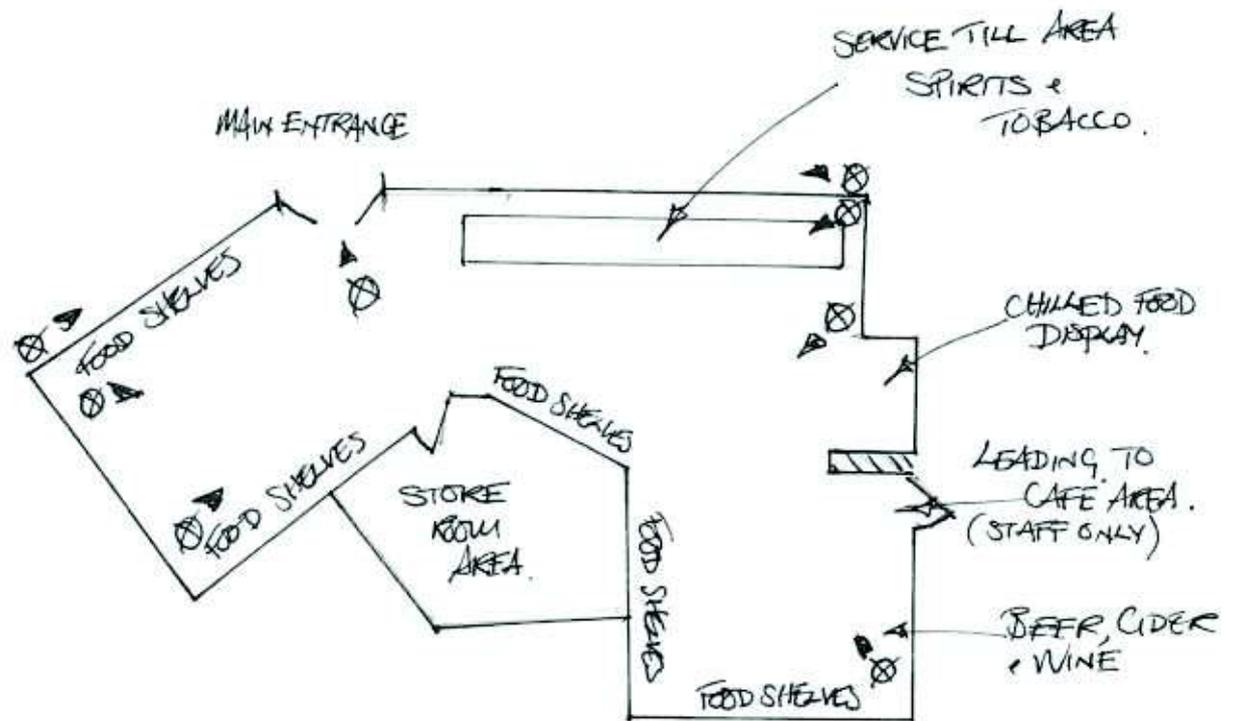


Name (please print)

DILDAR SALIH

Date

19.06.2017



'BARTIJA'  
 148 HUNTLEY GROVE.  
 PETERBOROUGH.  
 PE1 2QN

SCALE 1:100

19<sup>th</sup> JUNE 2017.

X CCTV CAMERAS.

Ref: 148 Huntley Grove - License Applications

Monday 24<sup>th</sup> July 2017

The Licensing Team,  
Peterborough City Council,  
1st Floor, Town Hall,  
Bridge Street,  
Broadway,  
Peterborough,  
PE1 1FA



Creating a safer  
**Cambridgeshire**

Re: Police Objection - New Premises License Application – 148 Huntley Grove,  
Peterborough

On 26<sup>th</sup> June 2017 Cambridgeshire Constabulary received formal notification from Licensing Officers at Peterborough City Council of an application for a new premises license, at a former 'Off License', called 'Baltija', 148 Huntley Grove, Peterborough, PE1 2QN. The new premises license application has been submitted by independent Licensing Consultant – Mr. John Byatt at 'Licensed Intuition'. The premises license holder and designated premises supervisor is specified as Mr. Dildar Hamid Salih of 415a Lincoln Road, Peterborough, PE1 2PF. Mr. Salih holds an alcohol personal license issued by Peterborough City Council ref: 072864.

The application seeks to install a Premises License to sell alcohol between the hours of 08:00 and 22:00 Monday to Sunday. No other licensable activity is applied for.

Cambridgeshire Constabulary wish to make formal representation against this application, and fully support the objection to the grant of a new premises license at 148 Huntley Grove, as made by Trading Standards.

The objection submitted by Trading Standards details the history of 148 Huntly Grove and its illegal connections with the fraudulent sale of illicit / counterfeit cigarettes and alcohol. Such activity in 2015 resulted in the shop owner and tenant – Sadde Jalal Jabar being sent to prison, and despite a suspicious transfer of the premises license it was eventually revoked. His partner at the time - Gitana Siatkiene - continued to run the shop as a convenience store. She also converted part of it into a coffee shop.

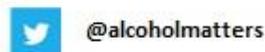
Recent information exists to suggest that she could no longer pay the bills and has moved on. The coffee shop has been reintegrated into the store. Jabar's renewed regular appearance at the store since his prison release shows that he is still connected in some way. Svetlana Kalnina has been installed as a member of staff. Police information links Kalnina to Jabar since at least 2015 and she lives at 87b Crown Street – a residence heavily associated with JABAR.

Police Licensing visited the shop on the 24<sup>th</sup> July 2017 and found Ms. Kalnina working behind the counter. She stated that Jabar visited the shop on a regular basis. She informed me that Ms. Saitkiene had left and was no longer involved with Jabar or the business. Despite my request she could not make contact with Mr. Salih but confirmed he was helping out with the bills.

This appears to be another ambiguous application for this premises. The evidence established leaves me in little doubt that Jabar is still connected to the shop, will continue to be a controlling influence, and the ongoing history leaves me in no doubt that the crime objective will not be upheld.

Kind regards

Grahame Robinson PC1572  
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Baltija 148 Huntly Grove, Peterborough

The Trading Standards team are submitting an objection to the grant of a premises licence for 148 Huntly Grove under the licensing objective of preventing crime and disorder.

Trading Standards have had a number of dealings with the premises;

In March 2015, an application to transfer the premises licence relating to Jip Convenience Store 148-150 Huntly Grove was received from the applicant Mr Marwan Jalal JABARI and stating the designated premises supervisor as Ms Gitana Siatkiene. The shop had been renamed Baltia Store.

Once Trading Standards became aware of Ms Siatkiene involvement further investigations were made. It transpired that Mr Jabari who applied for the licence had given a false address that was Ms Siatkiene's home address. Mr Jabari lived in Scotland and was Mr Jabar's brother. In May 2015 a review hearing took place where the history of criminal activities was explained and that Mr Jabari had no controlling influence or any business connection with the premises. The premises licence was revoked.

Ms Gitana Siatkiene previously owned the Euro Shop 135 Dogsthorpe Road, Peterborough with her partner Mr Saade Jalal Jabar.

On the 11<sup>th</sup> October 2012, Mr Jabar pleaded guilty on indictment in relation to the fraudulent evasion of Excise Duty relating to 3 seizures and was given a 2 year custodial sentence. In relation to these 3 seizures, on all occasions the goods were found concealed within Euro Shop, their home address and personal vehicles. The seizures made in Euro Shop were witnessed by Trading Standards and Ms Siatkiene was present on each occasion.

In August 2013, Ms Siatkiene applied for a new premises licence for the Euro Shop. This application was strongly objected by Trading Standards. On the 4<sup>th</sup> October 2013, a hearing took place where it was explained to the Licensing Sub-Committee the history of illicit alcohol and tobacco with Ms Siatkiene and her partner Mr Jabar. The Sub-Committee refused to grant the licence for the premises.

On the 10<sup>th</sup> May 2015, Trading Standards assisted HM Revenue & Customs in executing a warrant at Baltia Store, 148 Huntly Grove Peterborough. Both Ms Siatkiene and Mr Jabar were present when we arrived.

A seizure was made of non-duty paid spirits and non UK duty paid cigarettes that were concealed within the premises and were seized from Ms Siatkiene, the shop manager. Mr Jabar's vehicle that was parked outside the shop contained a large number of cigarettes, hand rolling tobacco and spirits all non UK duty-paid.

The total amount of goods seized from Mr Jabar between July – November 2014 and including 10<sup>th</sup> May 2015 are 658,800 cigarettes, 44.5 kgs hand rolling tobacco, 55.3 litres spirits and 9 litres wine. Total evaded revenue **£213,464.00**. HMRC Investigations concluded where Mr Jabar was sentenced to another 2 years and 8 months imprisonment. He was released in May 2017.

On the 5<sup>th</sup> July 2017 at approximately 13:50 hours, Trading Standards visited Baltija, 148 Huntly Grove to speak to Mr Dildar Hamid Salih regarding the application for a premises licence. Mr Salih was not present however Mr Jabar was in the staff area of

the shop cooking his dinner. He advised he was not working there however his partner Ms Svetlana Kalmina was present and working behind the counter. Mr Jabar advised that Mr Salih would be at the shop in a few moments then later advised he would be there after 4pm. Mr Jabar advised that Ms Siatkiene had stopped paying so his friend Mr Salih was taking over.

On the 6<sup>th</sup> July 2017 I spoke to Mr Salih on his mobile phone. He advised that he had been there 3 weeks and that he was not the owner, just renting the shop. It was pointed out that he had signed the application in the capacity as owner. He explained that Ms Siatkiene had stopped paying the rent and that he was taking over her payments. Mr Salih could not remember who he pays the rent to. He confirmed that all the utilities and bills are still in Ms Siatkiene's name and that he was paying them for her as she cannot pay. He also stated that he was waiting for the lease and asked if he can have 2-3 days to sort with his accountant and will telephone me back. Mr Salih could not advise the name of his accountant as he had forgotten the name.

On the 17<sup>th</sup> July 2017 I telephoned Mr Silah. He advised that he had spoken to his landlord and waiting for the lease. Mr Silah advised that the landlord was from Derby and was unable to advise the name, only that it was a Pakistani name that was hard to say.

It was confirmed that no purchase is being made for the shop, only that he was taking over the bills.

Trading Standards have concerns with the ambiguity over who is the controlling influence of the premises and whether this application is being used to circumvent the revocation of the previous licence for the same premises. Mr Jabar in the past has been seen working behind the counter and information received shows that the tenants pay rent direct to Mr Jabar. A land registry check has confirmed that Mr Saade Jalal Jabar is the leaseholder of 148-150 Huntly Grove.

If the licence is granted and persons previously involved in the business still have control in some capacity, then further concerns that reports of illegal activity would continue and would not promote or uphold the licensing objectives.

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