

## LICENSING ACT 2003 SUB-COMMITTEE

**MONDAY 28 JANUARY 2013**

**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.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

**3. Application for Review of Premises Licence - Super Poli (also known as Mini Poli), 613 Lincoln Road, Peterborough, PE1 3HA** **1 - 36**

Committee Members:

Councillors: Thacker (Chairman), Hiller and Saltmarsh

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – [gemma.george@peterborough.gov.uk](mailto:gemma.george@peterborough.gov.uk)



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 Gemma George on 01733 452268 as soon as possible.

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<b>LICENSING ACT 2003 SUB-COMMITTEE</b>		<b>AGENDA ITEM No. 3</b>
<b>28 JANUARY 2013</b>		<b>PUBLIC REPORT</b>
Contact Officers:	Peter Gell, Strategic Regulatory Services Manager Terri Martin, Regulatory Officer Licensing	Tel: 453419 Tel. 453561

**APPLICATION:** Review of Premises Licence

**PREMISES:** Super Poli (also known as Mini Poli), 613 Lincoln Road, Peterborough, PE1 3HA

**REFERENCE NUMBER:** MAU 066319

**GLOSSARY OF TERMS:** Attached at **Appendix A – Page 5**

**1. PURPOSE OF REPORT**

1.1 To consider and determine an application for a review of a Premises Licence under Section 51 of the Licensing Act 2003 for the above premises, taking into account the representation made and supplementary information submitted by Trading Standards in their capacity as a Responsible Authority, letter of support of the review and recommendations from Cambridgeshire Constabulary and the PCT (Director of Public Health) also Responsible Authorities. Representations from MANERP and The Neighbourhood Cando team as other persons also in support of revocation. The review was bought under the Prevention of Crime and Disorder objective.

**2. BACKGROUND INFORMATION**

2.1 Historically this premises operated as The Greyhound Public House, a justices licence was converted and varied in August 2005 and was surrendered on 3 April 2009.

2.2 On the 15 July 2009 an application for a new premises licence was submitted by Mini Poli Ltd to allow the off sale of alcohol from 08.00 to midnight Monday to Sunday, with the Designated Premises Supervisor (DPS) identified as Mr Uyan. As no representations were received the licence was granted 13 August 2009.

2.3 On the 26 January 2010 a minor variation was submitted to add extra conditions to the operating schedule following a test purchase operation (27/10/09), whereby a member of staff (Ewa Walas) sold alcohol to an individual under the age of 18 years. No representations were received and the licence was granted on 8 February 2010.

2.4 On the 14 April 2011 an application to vary the DPS from Mr Uyan to Ewa Walas was received. As no representation was received from the police, the licence was granted on the 29 April 2011.

- 2.5 On the 22 August 2011 an application was received to transfer the holder of the licence from Mini Poli Ltd to Mr Hasan Koc. As no representations were received, the application was granted on the 9 September 2011.
- 2.6 On the 30 October 2012 information was passed to the licensing team stating that Mr Koc was no longer connected to the premises. A visit was made to the premises and Ewa Walas produced an application to transfer the premises licence with receipt attached dated 25/6/12. Whilst the application was receipted it was never handed in to the council's licensing department, until 31 October 2010. This application requested transfer of the premises licence from Mr Koc to Ewa Walas. As no representations were received the application was granted on 15 November 2012. A copy of this current licence is attached at **Appendix B – Page 7.**

### 3. APPLICATION

- 3.1 In accordance with section 51 of the Licensing Act 2003 following the submission of an application to review the premises licence from Trading Standards, a Responsible Authority, the licensing authority must hold a hearing.
- 3.2 A copy of the application to review served by Trading Standards was received 6 December 2012, a copy of this application is attached at **Appendix C – Page 15.**
- 3.3 Supplementary information from Trading Standards was received 19 December 2012, a copy is attached at **Appendix D – Page 23.**
- 3.4 A copy of the 'Notice' that was displayed on the premises in accordance with Part 5 no. 38 of Statutory Instruments 2005 No. 42 – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 is attached at **Appendix E – Page 25.**
- 3.5 A representation in support of the review and recommendations was received from Cambridgeshire Constabulary and the PCT (Director of Public Health) as Responsible Authorities, copies of these representations are attached at **Appendix F – Page 27.**
- 3.6 No other representations have been received from any of the remaining Responsible Authorities, those being, The Licensing Authority, Cambridgeshire Fire and Rescue, Peterborough City Council Planning Department, Peterborough City Council Health & Safety Department, Peterborough City Council Children's Services, or Peterborough City Council Environmental Pollution Team.

### 4. RESPONSIBLE AUTHORITY

LICENSING OBJECTIVE:	REPRESENTATIVE:
Prevention of Crime and Disorder	<p><b>Responsible Authority:</b> Trading Standards As per the application for review attached at <b>Appendix C – Page 23</b> And supplementary information attached at <b>Appendix D – Page 25</b></p> <p><b>Responsible Authority:</b> Cambridgeshire Constabulary attached at <b>Appendix E – Page 27</b></p> <p><b>Responsible Authority:</b> PCT (Director of Public Health) attached at <b>Appendix E – Page 31</b></p>

#### 4.1 Summary of issues raised by Responsible Authorities

- i. Her Majesty's Revenue and Customs (HMRC) have seized 57.4 ltrs alleged non UK duty paid alcohol from the premises on 30/10/12.
- ii. The premises have failed to provide documentation for the seized alcohol to prove UK duty had been paid.
- iii. The UK Duty evaded was £579.42
- iv. Guidance issued under section 182 of the Licensing Act 2003 recommends revocation, even in the first instance, (Section 11.28)
- v. On 11 January 2012 HMRC Officers seized 0.8kg of tobacco and 880 cigarettes from a vehicle (outside the premises) registered to Mr Huseyin Koc. The revenue due on the seized tobacco and cigarettes was £286.12.
- vi. Underage Sales

#### 5. OTHER PERSONS

<b>LICENSING OBJECTIVE:</b>	<b>REPRESENTATIVE:</b>
<b>Prevention of Crime and Disorder</b>	<b>Other persons:</b> Neighbourhood Can-do Team attached at <b>Appendix G – Page 33</b> MANERP Residents Association (Millfield and New England Regeneration Partnership) attached at <b>Appendix G – Page 34</b>

#### 5.1 Summary of issues raised by Other Persons

- i. Management of the premises not upholding the licensing objectives
- ii. Deliberately defrauding HMRC, resulting in unfair trading advantage providing cut priced alcohol in an area concentrated with licensed premises.
- iii. Criminal gain
- iv. Fully support revocation of the licence

#### 6. LICENSING OFFICERS COMMENTS

- 6.1 Section 11.24 of Guidance (issued under section 182) states, '*A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.*'

#### 7. POLICY & GUIDANCE IMPLICATIONS

- 7.1 The following sections/paragraphs are applicable to this application:

##### 7.2 Council's Statement of Licensing Policy

- Objectives: *section 4 on Page 5*
- Other Legislation : *section 7 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

##### 7.3 Guidance Issued under Section 182 of the Licensing Act 2003 (October 2012)

- Reviews: *Section 11 pages 75 to 80*
- Determining applications: *Section 9 pages 58 to 64*

## 8. LEGAL OFFICER'S COMMENTS

8.1 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 review of a premises licence following the application by Trading Standards (Responsible Authority) to review the premises licence made under section 51 of the Licensing Act 2003.

8.2 In this case, the application was received at these offices on 6 December 2012.

8.3 The application before this committee will consider –

- (i) The application to review the licence,
- (ii) Any relevant representations

8.4 The committee will take such steps as it considers that are appropriate for the promotion of the licensing objectives. The steps are –

- (a) to modify the conditions of the premises licence
- (b) to exclude a licensable activity from the scope of the licence
- (c) to remove the designated premises supervisor from the licence
- (d) to suspend the licence for a period not exceeding three months, or
- (e) to revoke the licence

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added

8.5 In addition Section 11.17 and 11.18 of guidance issued under section 182 of the Licensing Act 2003 states:

'The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be in issued in writing to the licence holder.

However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

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

**'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

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



**PART A**

**Premises Licence**

**Peterborough City Council, Operations, Licensing  
 Bayard Place, Broadway, Peterborough, PE1 1HZ**

**Premises Licence Number**

066004

**Part 1 - Premises Details**

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

Mini Poli  
 613 Lincoln Road

**Post Town** Peterborough

**Post Code** PE1 3HA

**Telephone Number** 07854466956

**Where the licence is time limited the dates**

Start Date N/A

End Date N/A

**Licensable activities authorised by the licence**

**Sale by retail of alcohol**

The supply of alcohol will be for consumption off the premises

**The times the licence authorises the carrying out of licensable activities**

**Sale by Retail of Alcohol**

Monday to Sunday Between 08.00hrs and 00.00hrs

**The opening hours of the premises**

Monday to Sunday Between 08.00hrs and 00.00hrs

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

The supply of alcohol will be for consumption off the premises

**Part 2**

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

Walas Ewa  
84 Brookfurlong  
Peterborough  
PE3 7LQ

**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 the supply of alcohol**

Walas Ewa  
84 Brookfurlong  
Peterborough  
PE3 7LQ

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

Licence Number	061102
Issuing Authority	Peterborough City Council

## **Annex 1 - Mandatory conditions**

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

### **Supply of alcohol (Premises Licence)**

This registration authorises the supply of alcohol subject to the following conditions:

1. No supply of alcohol may be made at a time when
  - (a) there is no designated premises supervisor in respect of the premises licence, or
  - (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
  
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
  
3.
  - (a) 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.
  - (b) 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.
  
4. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children
  
5. 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**

### **Crime and Disorder**

6. Any potential sale of alcohol that is refused will be logged in a refusals register and be available to an authorised officer on request.
7. Any person employed at the premises must be able to verbally challenge any customer attempting to purchase alcohol.
8. Video/CCTV equipment will be set to record all licensed areas from the time that the premises open to the public until the premises close and all members of the public have left.
9. Digital images shall be retained for at least 14 days and shall be produced to an authorised officer on demand.
10. CCTV images will be clear and comprehensible.
11. An authorised person will be available at all times on the premises to show CCTV images immediately or to an authorised officer on demand.

### **Public Safety**

12. 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
13. Valid public liability insurance shall be kept in force and a copy of the schedule shall be available for inspection by an authorised officer on request.

### **Protection of Children from Harm**

14. The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises.
15. Signage will be prominently placed within the premises advertising the fact that the premises operates the 'Challenge 25' initiative.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

**NONE**

**Annex 4 – Plans**

**NONE**

**PART B**

**Premises licence summary**

Peterborough City Council, Operations, Licensing  
 Bayard Place, Broadway, Peterborough, PE1 1HZ

**Premises Licence Number**

066004

**Premises Details**

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

Mini Poli  
 613 Lincoln Road

**Post Town** Peterborough

**Post Code** PE1 3HA

**Telephone Number**

**Where the licence is time limited the dates**

Start Date  
 End Date

**Licensable activities authorised by the licence**

**Sale by retail of alcohol**

The supply of alcohol will be for consumption off the premises

**The times the licence authorises the carrying out of licensable activities**

**Sale by Retail of Alcohol**

Monday to Sunday Between 08.00hrs and 00.00hrs

**The opening hours of the premises**

Monday to Sunday Between 08.00hrs and 00.00hrs

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

The supply of alcohol will be for consumption off the premises

**Name, (registered) address of holder of premises licence**

Walas Ewa  
 84 Brookfurlong  
 Peterborough  
 PE3 7LQ

**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**

Walas Ewa

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

Restricted



**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 Karen Woods

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Mini Poli (now known as Super Poli) 613 Lincoln Road	
<b>Post town</b> Peterborough	<b>Post code (if known)</b> PE1 3HA

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mrs Ewa Walas
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<b>Number of premises licence or club premises certificate (if known)</b> 066004
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**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                                  | <input type="checkbox"/>            |
| b) a body representing persons living in the vicinity of the premises               | <input type="checkbox"/>            |
| c) a person involved in business in the vicinity of the premises                    | <input type="checkbox"/>            |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/>            |
| 2) a responsible authority (please complete (C) below)                              | <input checked="" type="checkbox"/> |

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**

<b>Name and address</b>
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b>

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

Name and address Karen Woods Peterborough City Council Trading Standards Department Bayard Place Broadway Peterborough PE1 1HU
Telephone number (if any) 01733 453407
E-mail address (optional) karen.woods@peterborough.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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review (please read guidance note 1)**

Trading Standards are requesting a review of the premises licence for Mini Poli under the prevention of crime and disorder following a joint operation by Trading Standards and HM Revenue and Customs (HMRC) to clamp down on the illicit tobacco and alcohol trade.



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

On 30<sup>th</sup> October 2012 a joint inspection by Trading Standards and HMRC was carried out to clamp down on the illicit tobacco and alcohol trade

HMRC officers seized a total of 57.4 Litres of mixed spirits from Mr Serdar Koc as liable to forfeiture by virtue of the Customs & Excise Acts.

They were satisfied that due to the proprietors inability to produce invoices or receipts to prove duty payment, that United Kingdom Excise Duty had not been paid on said goods.

The revenue due on the seized goods is £579.42

The goods were seized in accordance with section 139 of Customs & Excise Management Act 1979.

No notice of claim against forfeiture was received within the statutory time limit therefore the spirits and tobacco are condemned as forfeited in accordance with paragraph 5 of schedule 3 to the above legislation.

Previous visits were undertaken by HMRC officers and Trading Standards when the following goods were seized:

11<sup>th</sup> January 2012 - 0.8kg Hand Rolling Tobacco, 880 King Size Filter Cigarettes and an associated vehicle registered to Huseyin Koc.

The revenue on the seized tobacco and cigarettes was £286.12

The goods were all seized in accordance with section 139 Customs & Excise Management Act 1979.

Recommendations;

A revocation of the alcohol licence.

Reasons for the above recommendation;

Trading Standards as a responsible authority recommends revocation due to the seriousness of the illicit trade.

This is supported by guidance issued under section 182 of the Licensing Act 2003 11.27 There is a certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously.

One of them being;

- for the sale of smuggled tobacco and alcohol.

11.28 Guidance 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 in 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.

If you have made a request for information under the Freedom of Information Act 2000, you may wish to consider whether you need to provide any further information to help us to process your request.

**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

--	--	--	--	--	--	--	--	--

**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  .....

Date 6<sup>th</sup> December 2012 .....

Capacity Regulatory Officer - Trading Standards Department .....

<b>Contact name (where not previously given) and postal 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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## APPENDIX D

### **Mini Poli – 613 Lincoln Road Peterborough Premises Licence Number 066004**

Following my recent application for the review of the above premises licence I would like to submit further information held by Trading Standards.

I visited the premises on the 21<sup>st</sup> December 2011 where Trading Standards, assisted by Cambridgeshire Police, carried out a test purchasing exercise on the sale of alcohol to children under the age of 18.

A sale of alcohol was made to two 16 year old children and Ms Ewa Walas was the designated premises supervisor.

Whilst in the shop a sale of illicit tobacco was witnessed and the tobacco was being stored in a sack of potatoes near the front door.

This information was passed on to HM Revenue & Customs regarding the sale and supply of illicit and suspected counterfeit tobacco.

Karen Woods  
Regulatory Officer - Trading Standards  
Business Regulations  
Peterborough City Council  
Bayard Place  
Broadway  
Peterborough  
PE1 1HZ

Email : [karen.woods@peterborough.gov.uk](mailto:karen.woods@peterborough.gov.uk)  
Telephone: (01733) 453407

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## APPENDIX E

### LICENSING ACT 2003 NOTICE OF REVIEW OF PREMISES LICENCE

Notice is given that Peterborough City Council, as the Licensing Authority, has on the 6<sup>th</sup> of December 2012 been asked to review the Premises Licence by Trading Standards for the following licensed premises:

Super/Mini Poli, 613 Lincoln Road, Peterborough, PE1 3HA

The grounds for review are made under the Licensing Objective 'The Prevention of Crime and Disorder'

Anyone wishing to make representations concerning this review should do so in writing to:

Peterborough City Council, Licensing Section, 4<sup>th</sup> Floor  
Bayard Place, Broadway, Peterborough, PE1 1HZ

Representations in respect to this review must reach the Licensing Authority by 3<sup>rd</sup> of January 2013

Persons wishing to inspect the review application may do so by attending the office of the licensing section during office hours, Monday to Friday. Alternatively the review application may be viewed on the public register section of the Licensing Authorities website,

[http://www.peterborough.gov.uk/business/licensing\\_and\\_permits/licensing\\_act\\_2003/public\\_register.aspx](http://www.peterborough.gov.uk/business/licensing_and_permits/licensing_act_2003/public_register.aspx)

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

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Ref: 613 Lincoln Road / Review of License



Thursday 3<sup>rd</sup> December 2013

Teresa Martin  
Regulatory Officer (Licensing)  
Peterborough City Council  
Bridge House  
Peterborough  
PE1 1HU

Dear Teresa,

Re: Review of License – Super Poli, 613 Lincoln Road, Peterborough.

On 6<sup>th</sup> December 2012 Cambridgeshire Constabulary received notification from the Licensing Officers at Peterborough City Council of an application to review the premises license of Super Poli, 613 Lincoln Road, Peterborough PE1 3HA. The application has been submitted by Karen Woods, Trading Standards Officer at Peterborough City Council. The review refers to the criminal activity at the premises; specifically the sale of smuggled goods and under age sales.

Cambridgeshire Constabulary wishes to make representation in support of Karen Woods in relation to this review, and ask the Committee to consider the following information:

Super Poli, Premises License number 066004, is a mini supermarket located just north of The Triangle, at 613 Lincoln Road, Peterborough. The Premise License Holder (PLH) is Ewa Walas of 84 Brookfurlong, Ravensthorpe, Peterborough PE3 7LQ. The Designated Premises Supervisor (DPS) is also Ewa Walas.

Super Poli is located close to residential properties.

A search of Police computer systems based on the Post Code PE1 3HA between October 2011 and 3<sup>rd</sup> January 2013 shows very few calls for service to this location and immediate area, however they include:

1. Incident **CC-15082012-0527** – report of 4 males selling drugs (Ecstasy and Cannabis) outside this store. Upon officers attendance 20 minutes later 4 males searched and no drugs found.
2. **CC-19022012-0332** – report of male drinking in shop and abusing staff. Male had been spoken to by Police, earlier, when staff reported that he may have been shop lifting **CC-19022012-0235**.
3. CC-03012012-0453 report of burglary at location.
4. CC-31122011-0022 report of domestic at address.
5. CC-12122011-0356 report of domestic at address.
6. **CC-10122012-0347** report of 4 intoxicated abusive people to rear of 615 Lincoln Road, believed Polish.

Cambridgeshire Constabulary, Bridge Street Police Station, Bridge Street, Cambridgeshire, PE1 1EQ  
Telephone: 0345 456 456 4, Website: [www.cambs.police.uk](http://www.cambs.police.uk)

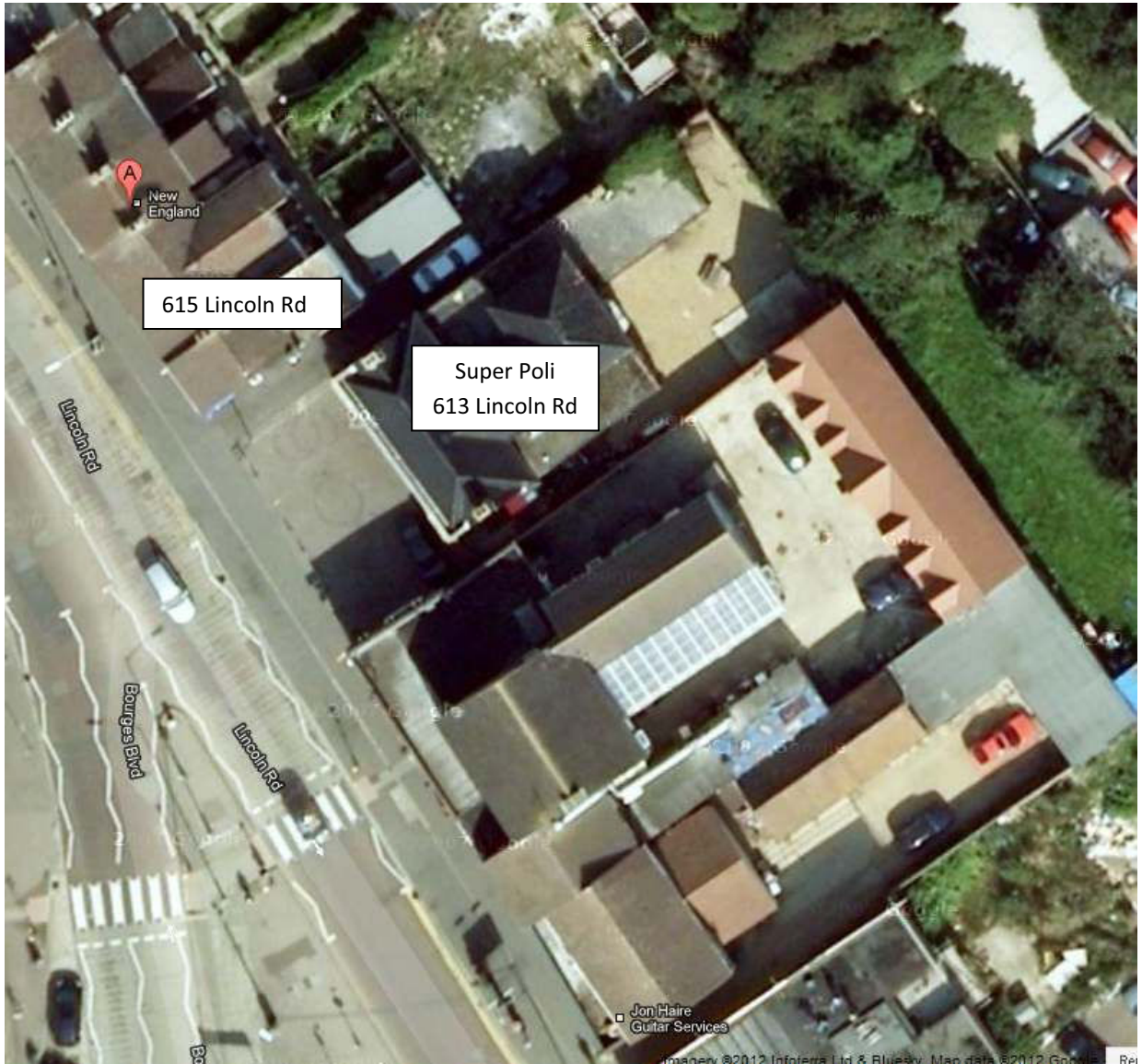
7. CC-01122011-0545 report of domestic at address.
8. CC-02112011-0285 report of domestic at address.
9. CC-01112011-0226 bail enquiry at address.
10. **CC-08102011-0473** report of 3 people doing drugs in car park behind shops near 609 Lincoln Road.

Cambridgeshire Constabulary supports the review application submitted by Karen Woods and Peterborough City Council Trading Standards Department, as the breach of the Licensing Objectives through the selling and storage of illicit goods will lead to an increase in criminal activity in and around the premise. Home Office and independent studies have repeatedly shown the massive under reporting of crime and incidents by the public.

Cambridgeshire Constabulary recommends to the Licensing Committee, that they show serious consideration to the revocation of the License as outlined by Sub-section 11.28 Section 182 Licensing Act 2003.

Yours faithfully,

Stuart Saunders  
Police Sergeant 298  
Licensing Sergeant  
Peterborough District  
Cambridgeshire Constabulary  
Tel: 101 ext 4525  
Email: [stuart.saunders@cambs.pnn.police.uk](mailto:stuart.saunders@cambs.pnn.police.uk)  
Mobile: 0770 265 2939





North



East view



South view



West view



Our ref: AL/mw

3<sup>rd</sup> January 2013

**NHS Cambridgeshire and NHS Peterborough**  
working in partnership

1<sup>st</sup> Floor  
Town Hall  
Peterborough  
PE1 1HL

The Licensing Team  
Peterborough City Council  
4th Floor, Bayard Place  
Broadway  
Peterborough  
PE1 1HU

Direct: 01733 207172  
Email: [mandy.workman@peterborough.gov.uk](mailto:mandy.workman@peterborough.gov.uk)  
Web: [www.peterborough.nhs.uk](http://www.peterborough.nhs.uk)

Dear Licensing Team

**License review: Mini Poli (also known as Super Poli), 613 Lincoln Road (ref: 066319)**

Alcohol misuse is the third greatest contributor to ill-health<sup>i</sup> while smoking is the primary cause of preventable morbidity and premature death, accounting for 81,400 deaths in England in 2009<sup>ii</sup>. In England, deaths from smoking are more numerous than the next six most common causes of preventable death combined including alcohol abuse (and given that it is estimated that alcohol misuse costs the NHS in England £3.5bn per year<sup>iii</sup>, the associated costs for smoking related diseases is also significant).

Tobacco use has a devastating impact on public health in our communities causing harm not only to smokers but also to the people around them. In England 1 in 5 adults smoke while in Peterborough 1 in 4 adults smoke. Peterborough also suffers a higher than average rate of alcohol-related hospital admissions<sup>iii</sup> and it is an objective to reduce these and the associated health burden upon individuals, families and the community.

Admissions from the Millfield area are among the highest for any neighbourhood in Peterborough<sup>iv</sup>. The Millfield area enjoys a particularly diverse population, including many from other European Union states and World Health Organisation data<sup>v</sup> shows considerably higher rates of liver cirrhosis among people from Lithuania, Latvia, Poland and Portugal than the UK average.

We believe it is important that we strive to reduce smoking prevalence and alcohol-related harm among all people living in our city.

We note that this review relates to a license in the "Operation CAN-Do" area. Public Health supports such partnership approaches to concerns regarding community cohesion and anti-social behaviour. We have seen police data showing crime and ASB to take place late into the evening in the Lincoln Road area and our own analysis shows the area to have the highest density of licensed outlets in the city already.

The National Alcohol Strategy published in March 2012 indicated Government's intention to introduce a "health" ground for objection to granting licences. This is currently subject to a consultation process in which we are registering our support as it is our view that concerns for health should have formal weight in the licensing process.

The consultation also includes discussion of a minimum price per unit of alcohol as making alcohol less affordable is an effective way of reducing alcohol-related harm<sup>vi</sup>.

Alcohol and tobacco are dangerous drugs and we consider national strategies, taxation policy and licensing legislation to be important contributors to reducing harm by restricting availability and safeguarding the public, including the young and vulnerable. We consider deliberate non-compliance with the law in relation to selling alcohol and illegal tobacco very serious issues and where proven would support tough sanctions, including withdrawal of a license, towards individuals whose actions indicate insufficient regard for the public's health and wellbeing.

Yours sincerely



**Dr Andy Liggins**  
Director of Public Health

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<sup>i</sup> Global Health Risks, WHO

<sup>ii</sup> Department of Health, 2010

<sup>[iii]</sup> Department of Health, 2012

<sup>iii</sup> Local Alcohol Profile England (LAPE) NW Region Public Health Observatory, 2011

<sup>iv</sup> Ibid

<sup>v</sup> WHO, 2005

<sup>vi</sup> NICE, local government public health briefing, 12 October 2012

**Reference: Review of Premises Licence for 613, Lincoln Road, Peterborough. PE1 3HA**

I am writing to make a representation regarding the application noted above as the Chair of the Operation CAN-do Neighbourhood Delivery Team (NDT).

*Operational CAN-do is a 10+ year programme which aims to develop, enable, implement, evidence and measure a transformational, whole-systems approach to improve the quality of life, outcomes and outlook of people living and working in the Gladstone, Millfield and New England community of Peterborough.*

The NDT is a multi agency partnership, led by the area's Neighbourhood Manager, designed to provide a simple mechanism for service providers (council services, police, health services, fire & rescue, housing associations, elected members, voluntary sector) to work together to take forward action to address issues that impact on how residents feel about their neighbourhoods.

All officers have an in depth understanding of their local community in terms of it's demographics and priority needs. The NDT is therefore committed to ensure services are delivered in the area to directly support the interests and needs of the local people.

Based on this understanding, both anecdotal and evidence, the NDT's representation aims to object in relation to

- **The prevention of crime and disorder**
- The prevention of public nuisance

Operation CAN do partners have and are driven by a wealth of statistical information regarding the levels of alcohol related crime and antisocial behaviour in this area of the city. This is further compounded by the overwhelming levels of service requests and complaints in direct relation to the sale or use of alcohol and since the introduction of the programme feel that a 'zero tolerance' approach is required to prevent these issues worsening. All partner agencies are subscribed to this approach.

The Super Poli premises are situated in the heart of the CAN-do area which is densely populated with an already disproportionately high number of licenses premises. The application for review is therefore supported by the partnership as the activities of this outlet contravene the CAN-do objectives to improve the quality of life for the local communities. The NDT recognise that there are many responsible licensed premises in the area but propose that this licence is revoked on the grounds of the explicit criminal activities of the proprietors.

Kind regards

Cate Harding  
Neighbourhood Manager - Central & East Locality

The Licensing Team  
Peterborough City Council  
Bayard Place  
Peterborough

3<sup>rd</sup> January 2013

Dear Sir/Madam

**Alcohol License Review Reference 066319**  
**Super Poli Express, 613 Lincoln Road, Peterborough PE1 3HA**

I am the Chair of Millfield & New England Regeneration Partnership (MANERP) which represents residents who live in the Millfield and New England areas of Peterborough. The reason for writing is to request that the Alcohol License at Super Poli Express, 613 Lincoln Road, Peterborough PE1 3HA be revoked.

As you are aware, the Millfield and New England area of Peterborough for several years has had a history of anti-social behaviour fuelled by alcohol and drug abuse. This has been exacerbated by the rapid growth of a number of outlets retailing alcohol by means of "off-sales." The area is also within the boundary of the "Operation Can-Do" initiative which has brought together the city council, police, NHS, Resident Associations and other partner agencies to jointly combat the serious issues being faced in this area.

The "Operation Can-Do" initiative has been robust but it is still hasn't achieved the goals that it and its partners need to achieve. The area is very sensitive and volatile because of low priced alcohol and related issues.

This is the second time that this business has blatantly disregarded the basic requirements that have brought them to the attention of the Police, Trading Standards and this committee. The management of this business have proven that they are not fit and proper persons to retail alcohol or other licensable goods.

There can be no excuse for the wholesale purchase of alcohol or cigarettes from disreputable dealers with the deliberate intention of defrauding Her Majesty's Revenue & Customs both in unpaid Duty and Taxes. Not only is there a criminal gain in such a purchase, there is also the issue of unfair trading amongst other businesses in the area already trying to compete for trade. The issue that MANERP would ask you to consider apart from the criminality of what the management have been found guilty of, but what impact the sale of illegally purchased cut-priced alcohol has on an area that has more than its' fair share of alcohol related anti-social behaviour.

In conclusion, the Millfield and New England area has a phenomenal number of outlets selling alcohol (around the seventy plus mark) which has contributed significantly to anti-social behaviour in the area. Super Poli Express has shown that they have scant regard for the law and we would submit that their word cannot be trusted to be responsible persons to hold an alcohol license. The current joint partnership between Peterborough City Council, Cambridgeshire Police and other

partner agencies through "Operation Can-Do" has highlighted the need to reduce the number of outlets and hours that alcohol can be freely purchased if it is to make any further headway towards the goals that it is striving to achieve.

At MANERP our focus is to try to regenerate an area that has been sadly neglected for many years and the largest problem of all revolves around the ease, low cost and availability at which alcohol can be purchased and subsequently abused. Any outlets that have a proven record of both criminal and reckless decisions such as this outlet would be a major obstacle in attempting to improve the quality of life this area of Peterborough.

We therefore respectfully request that this license be revoked by the Licensing Committee for the reasons stated above.

Yours Sincerely

**BRIAN W J GASCOYNE**  
**Chair - Millfield and New England Regeneration Partnership**

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