

LICENSING ACT 2003 SUB-COMMITTEE

MONDAY 18 NOVEMBER 2013
10.00 AM

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**

- | | | |
|-----|--|----------------|
| 3.1 | Mini Poli - 44 - 46 Ivatt Way, Peterborough, PE3 7PN | 3 - 28 |
| 3.2 | Mini Poli - Ashwood House, Unit A, Enterprise Way, Bretton Way, Peterborough, PE3 8YG | 29 - 56 |



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.

Emergency Evacuation Procedure – Outside Normal Office Hours

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Committee Members:

Councillors: P Thacker (Chairman), J Peach (Vice Chairman) and B Saltmarsh

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

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LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No 3.1
18 NOVEMBER 2013		PUBLIC REPORT
Contact Officers:	Adrian Day, Licensing Manager Darren Dolby, Regulatory Officer Licensing	Tel: 454437 Tel. 453561

APPLICATION: Review of Premises Licences

PREMISES: Mini Poli – 44 – 46 Ivatt Way, Peterborough, PE3 7PN

REFERENCE NUMBER: MAU : 068076

GLOSSARY OF TERMS: Attached at **Appendix A** on **Page 6**

1. PURPOSE OF REPORT

1.1 To consider and determine an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 for the above premises, taking into account the representation made by Trading Standards in their capacity as a Responsible Authority and letter of support of the review and recommendations from Cambridgeshire Constabulary, also a Responsible Authority. The review was bought under the Prevention of Crime and Disorder objective.

2. BACKGROUND INFORMATION

2.1 An application for a premises licence for Mini Poli, 44-46 Ivatt Way, Peterborough was made on 3rd March 2010. No representations were received and the licence was granted on 1st April 2010. A copy of the current licence is attached at **Appendix C Page 15**.

2.2 On 4th July 2013 officers from Her Majesty’s Revenue & Customs seized a significant amount of alcohol from two premises that are operated by Tradycja Ltd trading as Mini Poli Ltd. The seized alcohol from the two premises, Ashwood House and 42 Ivatt Way, Peterborough, were seized after Her Majesty’s Revenue & Customs were satisfied that United Kingdom Excise Duty had not been paid on the alcohol. The revenue due on the seized alcohol, including Value Added Tax, was £66,167.48. A separate premises licence review has been applied for with regards to the Mini Poli premises at Ashwood House, Bretton.

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 was received on 23rd September 2013, a copy of this application is attached at **Appendix B – Page 9**.
- 3.3 A statutory ‘Notice’ 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. It was later noted by Officers that the original notice displayed at the premises showed an incorrect date that the notice was served upon the Licensing Authority. This administrative error did not materially affect the review process and the Licensing Authority do not believe that the process was prejudiced in any way as the end of representation date is clearly displayed on the notice. The applicant was informed of this administrative error.
- 3.4 A representation in support of the review and recommendations was received from Cambridgeshire Constabulary as a Responsible Authority, a copy of this representation is attached at **Appendix D Page 25**.
- 3.5 No other representations have been received from any of the remaining Responsible Authorities nor any ‘other persons’.

4. RESPONSIBLE AUTHORITY

LICENSING OBJECTIVE:	REPRESENTATIVE:
Prevention of Crime and Disorder	Responsible Authority: Trading Standards As per the application for review attached at Appendix B Page 9 Responsible Authority: Cambridgeshire Constabulary attached at Appendix D Page 25 .

4.1 Summary of issues raised by Responsible Authorities

- i. Her Majesty’s Revenue and Customs (HMRC) have seized alleged non UK duty paid alcohol from the premises on 4th July 2013;
- ii. The premises have failed to provide documentation for the seized products to prove UK duty had been paid; and
- iii. Guidance issued under section 182 of the Licensing Act 2003 recommends revocation, even in the first instance.

5 MEDIATION

- 5.1 Mediation did not take place.

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 or money laundering by criminal gangs or the sale of contraband or stolen goods there 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 of law. The role of the licensing authority 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 15 and 16*
- Delegation / Decision Making / Administration: *Section 17 page 16 and 17*

7.3 Guidance Issued under Section 182 of the Licensing Act 2003 (June 2014)

- 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 23rd September 2013.

8.3 The application before this committee will consider –

- (i) The application to review the licence; and
- (ii) Any relevant representations.

8.4 The committee will take such of the steps as it considers that action is necessary 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 the 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 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 in to account when considering what further action is appropriate.'

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

'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.

Or the provision of entertainment facilities:

Facilities for enabling persons to take part in entertainment of the following description for the purpose or purposes, which include the purpose of being entertained:

- making music
- dancing
- entertainment of a similar description

'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

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 Trading Standards

(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

Postal address of premises or, if none, ordnance survey map reference or description Mini Poli Ltd 44-46 Ivatt Way	
Post town Peterborough	Post code (if known) PE3 7PN

Name of premises licence holder or club holding club premises certificate (if known) Mini Poli Limited 42 Ivatt Way Peterborough PE3 7PN

Number of premises licence or club premises certificate (if known) 06795843

Part 2 - Applicant details

I am

Please tick yes

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

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Karen Woods
Peterborough City Council
Trading Standards Department
Bayard Place
Broadway
Peterborough
PE1 1HZ

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 Ltd under the prevention of crime and disorder following a seizure by 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 the 4th July 2013 officers of HMRC officers seized alcoholic goods as liable to forfeiture from 42 Ivatt Way Peterborough PE3 7PN and Unit A Ashwood House, Bretton Way Peterborough PE3 8YQ. Both premises are owned by Tradycja Ltd T/A Mini Poli Ltd. Goods were also seized from 48 Ivatt Way belonging to an unrelated company storing goods on behalf of Mini Poli.

In total 51,506.46 litres of assorted beer and cider and 9.5 litres of spirits were seized.

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 including VAT £66,167.48

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 alcohol is condemned as forfeited in accordance with paragraph 5 of schedule 3 to the above legislation.

A witness statement from HMRC is attached as APPENDIX 1 to this review.

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.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

[Empty box for providing details of representations]

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 23rd September 2013

Capacity Regulatory Officer - Trading Standards Department

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

Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

PART A**Premises Licence**

Peterborough City Council, Environmental Services,
Bayard Place, Broadway, Peterborough, PE1 1HZ

Premises Licence Number

065931

Part 1 - Premises Details**Postal address of premises, or if none, ordnance survey map reference or description**

Mini Poli Ltd
44-46 Ivatt Way
Westwood

Post Town Peterborough**Post Code** PE3 7PN**Telephone Number****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 09.00hrs and 22.30hrs

The opening hours of the premises

Monday to Sunday Between 09.00hrs and 22.30hrs

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

Mini Poli Limited
42 Ivatt Way
Peterborough
Cambs
PE3 7PN

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

06795843

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

Miss Gulsum Mankir
42 Ivatt Way
Westwood
Peterborough
PE3 7PN

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	064532
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.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with the Operating Schedule

Crime and Disorder

4. Video/CCTV equipment shall be installed inside/outside the premises and maintained in working order.
5. Video/CCTV equipment will be set to record all licensed areas from the time that the premises open to the public until the premises closes and all members of the public have left.
6. Digital images shall be retained for at least one month and shall be produced to an authorised officer on demand.
7. Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.
8. An authorised person will be available at all times on the premises to show CCTV images immediately or to an authorised officer on demand.
9. CCTV images will be clear and comprehensible.
10. No alcohol shall be consumed on the premises.
11. No drinks shall be available for consumption from glass bottles.
12. Any person employed at the premises must be able to verbally challenge any customer attempting to purchase alcohol.

Public Safety

13. 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.
14. 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.
15. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

Public Nuisance

16. Adequate and suitable (lidded) receptacles shall be provided to receive and store refuse from the premises/site.
17. The premises license holder shall be responsible for prevention and disposal of waste on the frontage of the premises and make provision for the emptying of litter bins in the vicinity of the premises.
18. The premise license holder shall not participate or encourage flyposting of events or the venue and any leaflet distribution shall be managed in such a way as to prevent litter.

Protection of Children from Harm

19. The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises.
20. Signage will be prominently placed within the premises advertising the fact that the premises operates the 'Challenge 25' initiative.
21. Any potential sale of alcohol that is refused will be logged in a refusals register and be available to an authorised officer upon request.

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

Annex 4 – Plans

PART B

Premises licence summary

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

Premises Licence Number

065931

Premises Details

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

Mini Poli Ltd
 44-46 Ivatt Way
 Westwood

Post Town Peterborough

Post Code PE3 7PN

Telephone Number

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 09.00hrs and 22.30hrs

The opening hours of the premises

Monday to Sunday Between 09.00hrs and 22.30hrs

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

Mini Poli Limited
 42 Ivatt Way
 Peterborough
 Cambs
 PE3 7PN

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

06795843

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

Miss Gulsum Mankir

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

Restricted

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Ref: Mini Poli / License Review



Creating a safer
Cambridgeshire

Friday 18th October 2013

Darren Dolby
Licensing Authority
Peterborough City Council
Bayard Place
Peterborough
PE1 1HZ

Dear Darren,

Re: Premises License Review – Mini Poli Licensed Premises – Enterprise Way and Ivatt Way.

On 24th September 2013 Cambridgeshire Constabulary received notification from the Licensing Authority at Peterborough City Council of an application to review both Premises Licenses of Mini Poli at 42 Ivatt Way, Westwood, Peterborough, PE3 7PN (Premises License No: 064532) and Mini Poli, Ashwood House, Unit A, Enterprise Way, Bretton, Peterborough, PE3 8YQ (Premises License No: 067356). Both Premises Licenses are held by Tradycja Limited at 42 Ivatt Way, Company Number: 6279310. The Designated Premises Supervisor (DPS) for the Enterprise Way address is Mr. Tarik Bayraktar. The DPS for the Ivatt Way address is Ms. Gulsum Mankir. Both persons live at 25 Hyholmes, Bretton, Peterborough, PE3 8LG.

I understand that HM Revenue & Customs (HMRC) carried out an inspection of both premises on the 04th July 2013. Karen woods of Trading Standards at Peterborough City Council has submitted a review application in response to HMRC Officers seizing a substantial amount of alleged illicit alcohol namely 51,506.46 litres of assorted beer and cider and 9.5 litres of spirits. HMRC advise that the proprietors' have failed to produce valid invoices or receipts and therefore calculate that revenue due on the goods including VAT amounts to £66,167.48. Furthermore no claim against forfeiture has been received within the statutory time limit and the seized alcohol has been forfeited.

I would suggest that given the quantity and value of the goods any legitimate and valid invoices or receipts would have been produced immediately or at least within the notified timescales. It is my assertion that if a licensed premises which has such products, it is reasonable to assume they represent some form of commercial enterprise, which would cause concern and bring into question the suitability of the premises promoting the licensing objectives. On this occasion the amount of revenue due on the seized goods is considerable. The owner has failed to submit any notice of claim against the forfeiture, evidence which would ultimately disprove any involvement with illicit goods.

The stance of the Licensing team in Northern District is to support partners and deal robustly with issues of licensing to help drive down crime and disorder associated with licensable activities. As with all responsible authorities, we have a duty to make representations to the relevant authority where we consider activities relevant to the licensed premises to have a detrimental impact on the four licensing objectives; prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

Cambridgeshire Constabulary take a very serious view on the sale of illicit goods realising the negative implications upon the licensing objectives of preventing crime and disorder and Public Safety. Such crime has a detrimental effect upon the immediate community and can be harmful to unwitting customers including children. Distribution and sale of illicit goods is linked to serious and organised crime and nationally is a drain on the

**Cambridgeshire Constabulary, Thorpewood Police Station, Peterborough,
Cambridgeshire, PE3 6SD**

Telephone: **0345 456 456 4**, Website: **www.cambs.police.uk**

economy. It is also very clear that unannounced visits and routine inspections on Licensed Premises are fundamentally necessary to prevent and deter crime.

We support Trading Standards and HMRC review application and ask the Licensing Sub-committee to seriously consider the facts. S182 of the Licensing Act 2003, Para: 11.23 states – “*There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously*”. Guidance details numerous serious activities, including – ‘*for the sale of smuggled tobacco and alcohol*’. Para 11.28 supports the above in suggesting that where the ‘*crime prevention objective is being undermined through the premises to further crimes*’ - serious consideration should be given to revocation of the license. I advise that, given the circumstances, this may be relevant in this case and should seriously be considered.

The Licensing Sub-Committee will determine what steps should be taken in connection with the Premises License, for the promotion of the crime prevention objective. In doing so numerous measures are available. In understanding this I would ask the Committee to consider applying the attached licensing conditions to the Operating Schedules should revocation be considered as unsuitable in this case.

The Prevention of Crime and Disorder:

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions in particular facial recognition. Cameras shall encompass all entrances and exits to the premises, fire exits and all area where the sale / supply of alcohol occur. A camera will be positioned outside the premises covering the shop frontage.
2. CCTV 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 period of 28 days.
3. The Premises License Holder must ensure at all times a Designated Premises Supervisor or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format and hand this footage over to the Police / Local Authority on demand.
4. The recording equipment and discs / usb pen drives shall be kept in a secure environment under the control of the DPS or other responsible named individual.
5. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings of the system actions taken are to be recorded.
6. In the event of a technical failure of the CCTV equipment the Premises License Holder / Designated Premises Supervisor must report the failure to the Police or local authority immediately.
7. Notices advising that CCTV has been installed on the premises shall be posted so that they are clearly visible to the public within the licensed premises.
8. Staff training in relation to identifying and preventing sales of alcohol to any person who is, or appears to be drunk should be undertaken on a monthly basis. This training, together with on-going training to prevent underage sales (Challenge 25) should be recorded in a written format and be available to an authorised officer upon demand.
9. A refusals log will be maintained on a daily basis recording all refused attempted purchases of alcohol, carried out by drunks or underage persons.
10. No alcoholic drinks will be purchased by the store owners or staff from sellers calling at the store.
11. All invoices (originals or copies) for all alcoholic goods for retail sale on the premises will be kept at the licensed premises and made available to Police, Council and HMRC Officers upon request.
12. A strict stock control system will be introduced so that the licensee can quickly identify where and when alcoholic drinks have been purchased.
13. A ultra-violet light will be available and maintained at the store for the purpose of checking the UK Duty Stamp on all spirits as soon as practical after they have been purchased.

14. If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to the Trading Standards department and HMRC as soon as possible.

Promote Public Safety -

15. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
16. 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.
17. No person will be allowed to enter or leave the premises with an open vessel of alcohol and the licensee will actively discourage and prevent anyone congregating or drinking outside the premises.

The Protection of Children from Harm –

18. Signage will be prominently placed within the premises advertising the fact that the premises operate the 'Challenge 25' initiative.
19. Any person selling or supplying alcoholic drink under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to believe that the individual may be less than 21 years of age.
20. A refusal log will be accurately maintained on every refusal made in relation to the attempted purchase of alcohol by a juvenile or intoxicated person.

Yours faithfully,

Grahame Robinson
Police Constable 1572
Licensing Officer
Northern District
Cambridgeshire Constabulary
Tel: 01733 424438
Email: grahame.robinson@cambs.pnn.police.uk
Mobile: 07921095030

LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No 3.2
18 NOVEMBER 2013		PUBLIC REPORT
Contact Officers:	Adrian Day, Licensing Manager Darren Dolby, Regulatory Officer Licensing	Tel: 454437 Tel. 453561

APPLICATION:	Review of Premises Licences
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PREMISES:	Mini Poli – Ashwood House, Unit A, Enterprise Way, Bretton Way, Peterborough, PE3 8YG
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REFERENCE NUMBER:	MAU : 068075
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GLOSSARY OF TERMS:	Attached at Appendix A on Page 33
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1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 for the above premises, taking into account the representation made by Trading Standards in their capacity as a Responsible Authority and letter of support of the review and recommendations from Cambridgeshire Constabulary, also a Responsible Authority. The review was bought under the Prevention of Crime and Disorder objective.

2. BACKGROUND INFORMATION

- 2.1 An application for a premises licence for Mini Poli, Ashwood House, Bretton Way, Peterborough was made on 4th June 2013. No representations were received and the licence was granted on 3rd July 2013. A copy of the current licence is attached at **Appendix C Page 43** and a copy of the current plan of the premises at **Appendix D Page 53**.
- 2.2 On 4th July 2013 officers from Her Majesty's Revenue & Customs seized a significant amount of alcohol from two premises that are operated by Tradycja Ltd trading as Mini Poli Ltd. The seized alcohol from the two premises, Ashwood House and 42 Ivatt Way, Peterborough, were seized after Her Majesty's Revenue & Customs were satisfied that United Kingdom Excise Duty had not been paid on the alcohol. The revenue due on the seized alcohol, including Value Added Tax, was £66,167.48. A separate premises licence review has been applied for with regards to the Mini Poli premises at Ivatt Way.

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 was received on 23rd September 2013, a copy of this application is attached at **Appendix B – Page 37**.
- 3.3 A statutory ‘Notice’ 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. It was later noted by Officers that the original notice displayed at the premises showed an incorrect date that the notice was served upon the Licensing Authority. This administrative error did not materially affect the review process and the Licensing Authority do not believe that the process was prejudiced in any way as the end of representation date is clearly displayed on the notice. The applicant was informed of this administrative error.
- 3.4 A representation in support of the review and recommendations was received from Cambridgeshire Constabulary as a Responsible Authority, a copy of this representation is attached at **Appendix D Page 53**.
- 3.5 No other representations have been received from any of the remaining Responsible Authorities nor any ‘other persons’.

4. RESPONSIBLE AUTHORITY

LICENSING OBJECTIVE:	REPRESENTATIVE:
Prevention of Crime and Disorder	Responsible Authority: Trading Standards As per the application for review attached at Appendix B Page 37 . Responsible Authority: Cambridgeshire Constabulary attached at Appendix D Page 53 .

4.1 Summary of issues raised by Responsible Authorities

- i. Her Majesty’s Revenue and Customs (HMRC) have seized alleged non UK duty paid alcohol from the premises on 4th July 2013;
- ii. The premises have failed to provide documentation for the seized products to prove UK duty had been paid; and
- iii. Guidance issued under section 182 of the Licensing Act 2003 recommends revocation, even in the first instance.

5 MEDIATION

- 5.1 Mediation did not take place.

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 or money laundering by criminal gangs or the sale of contraband or stolen goods there 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 of law. The role of the licensing authority 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 15 and 16*
- Delegation / Decision Making / Administration: *Section 17 page 16 and 17*

7.3 Guidance Issued under Section 182 of the Licensing Act 2003 (June 2014)

- 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 23rd September 2013.

- 8.3 The application before this committee will consider –

- (i) The application to review the licence; and
- (ii) Any relevant representations.

- 8.4 The committee will take such of the steps as it considers that action is necessary 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 the 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 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 in to account when considering what further action is appropriate.’

**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

'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.

Or the provision of entertainment facilities:

Facilities for enabling persons to take part in entertainment of the following description for the purpose or purposes, which include the purpose of being entertained:

- making music
- dancing
- entertainment of a similar description

'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

This page is intentionally left blank

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 Trading Standards

(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

Postal address of premises or, if none, ordnance survey map reference or description Mini Poli Ashwood House Unit A Enterprise Way Bretton Way	
Post town Peterborough	Post code (if known) PE3 8YG

Name of premises licence holder or club holding club premises certificate (if known) Tradycja Limited 42 Ivatt Way Peterborough PE3 7PN
--

Number of premises licence or club premises certificate (if known) 6279310
--

Part 2 - Applicant details

I am

Please tick yes

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

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Karen Woods Peterborough City Council Trading Standards Department Bayard Place Broadway Peterborough PE1 1HZ
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 | <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 note 1)

Trading Standards are requesting a review of the premises licence for Mini Poli under the prevention of crime and disorder following a seizure by 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 the 4th July 2013 officers of HMRC officers seized alcoholic goods as liable to forfeiture from 42 Ivatt Way Peterborough PE3 7PN and Unit A Ashwood House, Bretton Way Peterborough PE3 8YQ. Both premises are owned by Tradycja Ltd T/A Mini Poli Ltd. Goods were also seized from 48 Ivatt Way belonging to an unrelated company storing goods on behalf of Mini Poli.

In total 51,506.46 litres of assorted beer and cider and 9.5 litres of spirits were seized.

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 including VAT £66,167.48

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 alcohol is condemned as forfeited in accordance with paragraph 5 of schedule 3 to the above legislation.

A witness statement from HMRC is attached as APPENDIX 1 to this review.

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.


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 23rd September 2013

Capacity Regulatory Officer - Trading Standards Department

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

Notes for Guidance

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

PART A**Premises Licence**

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

Premises Licence Number

067356

Part 1 - Premises Details**Postal address of premises, or if none, ordnance survey map reference or description**

Mini Poli
Ashwood House
Unit A Enterprise Way
Bretton Way

Post Town Peterborough**Post Code** PE3 8YQ**Telephone Number****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 both on and off the premises.

The times the licence authorises the carrying out of licensable activities**Sale by Retail of Alcohol**

Monday to Sunday Between 07.30hrs and 22.00hrs

The opening hours of the premises

Monday to Sunday Between 07.30hrs and 22.00hrs

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

The supply of alcohol will be for consumption both on and off the premises.

Part 2

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

Tradycja Limited
42 Ivatt Way
Westwood
Peterborough
PE3 7PN

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

6279310

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

Mr Tarik Bayraktar
25 Hyholmes
Bretton
Peterborough
PE3 8LG

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	066935
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. 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—

Games or other activities which require or encourage, or are designed to require or encourage, individuals to—

Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

Drink as much alcohol as possible (whether within a time limit or otherwise);

Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

The outcome of a race, competition or other event or process, or

The likelihood of anything occurring or not occurring;

Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark
7. The responsible person shall ensure that–
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the Operating Schedule

Crime and Disorder

- 8 Video/CCTV equipment shall be installed inside/outside the premises and maintained in working order.
- 9 Video/CCTV equipment will be set to record all licensed areas from the time that the premises open to the public until the premises closes and all members of the public have left.
- 10 Digital images shall be retained for at least one month and shall be produced to an authorised officer on demand.
- 11 Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.
- 12 An authorised person will be available at all times on the premises to show CCTV images immediately or to an authorised officer on demand.
- 13 CCTV images will be clear and comprehensible.
- 14 Alcohol consumed on the premises will be in the Café area only.
- 15 No drinks shall be available for consumption from glass bottles.
- 16 Any person employed at the premises must be able to verbally challenge any customer attempting to purchase alcohol.

Public Safety

- 17 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.
- 18 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.
- 19 An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

Public Nuisance

- 20 Adequate and suitable (lidded) receptacles shall be provided to receive and store refuse from the premises/site.
- 21 The premises license holder shall be responsible for prevention and disposal of waste on the frontage of the premises and make provision for the emptying of litter bins in the vicinity of the premises.
- 22 The premise license holder shall not participate or encourage flyposting of events or the venue and any leaflet distribution shall be managed in such a way as to prevent litter.

Protection of Children from Harm

- 23 The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises.
- 24 Signage will be prominently placed within the premises advertising the fact that the premises operates the 'Challenge 25' initiative.
- 25 Any potential sale of alcohol that is refused will be logged in a refusals register and be available to an authorised officer upon request.

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

Annex 4 – Plans

PART B

Premises licence summary

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

Premises Licence Number

067356

Premises Details

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

Mini Poli
 Ashwood House
 Unit A Enterprise Way
 Bretton Way

Post Town Peterborough

Post Code PE3 8YQ

Telephone Number

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 both on and off the premises.

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol

Monday to Sunday Between 07.30hrs and 22.00hrs

The opening hours of the premises

Monday to Sunday Between 07.30hrs and 22.00hrs

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

The supply of alcohol will be for consumption both on and off the premises.

Name, (registered) address of holder of premises licence

Tradycja Limited
 42 Ivatt Way
 Westwood
 Peterborough
 PE3 7PN

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

6279310

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

Mr Tarik Bayraktar

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

Restricted



Creating a safer
Cambridgeshire

Ref: Mini Poli / License Review

Friday 18th October 2013

Darren Dolby
Licensing Authority
Peterborough City Council
Bayard Place
Peterborough
PE1 1HZ

Dear Darren,

Re: Premises License Review – Mini Poli Licensed Premises – Enterprise Way and Ivatt Way.

On 24th September 2013 Cambridgeshire Constabulary received notification from the Licensing Authority at Peterborough City Council of an application to review both Premises Licenses of Mini Poli at 42 Ivatt Way, Westwood, Peterborough, PE3 7PN (Premises License No: 064532) and Mini Poli, Ashwood House, Unit A, Enterprise Way, Bretton, Peterborough, PE3 8YQ (Premises License No: 067356). Both Premises Licenses are held by Tradycja Limited at 42 Ivatt Way, Company Number: 6279310. The Designated Premises Supervisor (DPS) for the Enterprise Way address is Mr. Tarik Bayraktar. The DPS for the Ivatt Way address is Ms. Gulsum Mankir. Both persons live at 25 Hyholmes, Bretton, Peterborough, PE3 8LG.

I understand that HM Revenue & Customs (HMRC) carried out an inspection of both premises on the 04th July 2013. Karen woods of Trading Standards at Peterborough City Council has submitted a review application in response to HMRC Officers seizing a substantial amount of alleged illicit alcohol namely 51,506.46 litres of assorted beer and cider and 9.5 litres of spirits. HMRC advise that the proprietors' have failed to produce valid invoices or receipts and therefore calculate that revenue due on the goods including VAT amounts to £66,167.48. Furthermore no claim against forfeiture has been received within the statutory time limit and the seized alcohol has been forfeited.

I would suggest that given the quantity and value of the goods any legitimate and valid invoices or receipts would have been produced immediately or at least within the notified timescales. It is my assertion that if a licensed premises which has such products, it is reasonable to assume they represent some form of commercial enterprise, which would cause concern and bring into question the suitability of the premises promoting the licensing objectives. On this occasion the amount of revenue due on the seized goods is considerable. The owner has failed to submit any notice of claim against the forfeiture, evidence which would ultimately disprove any involvement with illicit goods.

The stance of the Licensing team in Northern District is to support partners and deal robustly with issues of licensing to help drive down crime and disorder associated with licensable activities. As with all responsible authorities, we have a duty to make representations to the relevant authority where we consider activities relevant to the licensed premises to have a detrimental impact on the four licensing objectives; prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

Cambridgeshire Constabulary take a very serious view on the sale of illicit goods realising the negative implications upon the licensing objectives of preventing crime and disorder and Public Safety. Such crime has a detrimental effect upon the immediate community and can be harmful to unwitting customers including children. Distribution and sale of illicit goods is linked to serious and organised crime and nationally is a drain on the

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economy. It is also very clear that unannounced visits and routine inspections on Licensed Premises are fundamentally necessary to prevent and deter crime.

We support Trading Standards and HMRC review application and ask the Licensing Sub-committee to seriously consider the facts. S182 of the Licensing Act 2003, Para: 11.23 states – “*There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously*”. Guidance details numerous serious activities, including – ‘*for the sale of smuggled tobacco and alcohol*’. Para 11.28 supports the above in suggesting that where the ‘*crime prevention objective is being undermined through the premises to further crimes*’ - serious consideration should be given to revocation of the license. I advise that, given the circumstances, this may be relevant in this case and should seriously be considered.

The Licensing Sub-Committee will determine what steps should be taken in connection with the Premises License, for the promotion of the crime prevention objective. In doing so numerous measures are available. In understanding this I would ask the Committee to consider applying the attached licensing conditions to the Operating Schedules should revocation be considered as unsuitable in this case.

The Prevention of Crime and Disorder:

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions in particular facial recognition. Cameras shall encompass all entrances and exits to the premises, fire exits and all area where the sale / supply of alcohol occur. A camera will be positioned outside the premises covering the shop frontage.
2. CCTV 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 period of 28 days.
3. The Premises License Holder must ensure at all times a Designated Premises Supervisor or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format and hand this footage over to the Police / Local Authority on demand.
4. The recording equipment and discs / usb pen drives shall be kept in a secure environment under the control of the DPS or other responsible named individual.
5. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings of the system actions taken are to be recorded.
6. In the event of a technical failure of the CCTV equipment the Premises License Holder / Designated Premises Supervisor must report the failure to the Police or local authority immediately.
7. Notices advising that CCTV has been installed on the premises shall be posted so that they are clearly visible to the public within the licensed premises.
8. Staff training in relation to identifying and preventing sales of alcohol to any person who is, or appears to be drunk should be undertaken on a monthly basis. This training, together with on-going training to prevent underage sales (Challenge 25) should be recorded in a written format and be available to an authorised officer upon demand.
9. A refusals log will be maintained on a daily basis recording all refused attempted purchases of alcohol, carried out by drunks or underage persons.
10. No alcoholic drinks will be purchased by the store owners or staff from sellers calling at the store.
11. All invoices (originals or copies) for all alcoholic goods for retail sale on the premises will be kept at the licensed premises and made available to Police, Council and HMRC Officers upon request.
12. A strict stock control system will be introduced so that the licensee can quickly identify where and when alcoholic drinks have been purchased.
13. A ultra-violet light will be available and maintained at the store for the purpose of checking the UK Duty Stamp on all spirits as soon as practical after they have been purchased.

14. If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to the Trading Standards department and HMRC as soon as possible.

Promote Public Safety -

15. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
16. 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.
17. No person will be allowed to enter or leave the premises with an open vessel of alcohol and the licensee will actively discourage and prevent anyone congregating or drinking outside the premises.

The Protection of Children from Harm –

18. Signage will be prominently placed within the premises advertising the fact that the premises operate the 'Challenge 25' initiative.
19. Any person selling or supplying alcoholic drink under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to believe that the individual may be less than 21 years of age.
20. A refusal log will be accurately maintained on every refusal made in relation to the attempted purchase of alcohol by a juvenile or intoxicated person.

Yours faithfully,

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