

M/174592

Appendix 1

Last Date
18.12.19

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 **Sergeant 2551 Gareth Gosling** on behalf the *Chief Officer of Dorset Police*

(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

17 Lansdowne Road

Post town Bournemouth

Post code (if known) BH1 1RZ

Name of premises licence holder or club holding club premises certificate (if known)

Sam Euro Ltd.

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

BH138894

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

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 ✓ yes

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 Drug & Alcohol Harm Reduction Team Bournemouth Police Station 5 Madeira Road Bournemouth Dorset BH1 1QQ
Telephone number (if any) 01202 227824
E-mail address (optional) Licensing@dorset.pnn.police.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

The Prevention of Crime and Disorder. Specifically that the premises is involved in criminal activity that the Licensing Act 2003 considers particularly serious, namely the sale and storage of smuggled tobacco. Dorset Police no longer have confidence in the DPS or Premises Licence Holder.

Please provide as much information as possible to support the application (please read guidance note 3)

This application for a review of the premises licence for *Polski Sklep*, 17 Lansdowne Road, Bournemouth, is being submitted by Dorset Police on the grounds of the licensing objective of the Prevention of Crime & Disorder.

It has and always has been the intention of Dorset Police Drug & Alcohol Harm Reduction Team to engage and support licensees throughout Dorset to promote the four licensing objectives of Preventing Crime & Disorder, Preventing Public Nuisance, Promoting Public Safety and Protecting Children from Harm.

It is our expectation that all licensees will endeavour to meet these objectives and fulfil their duty as licensees with responsibilities to uphold these objectives and meet the conditions of their premises licence.

In this instance, however, Dorset Police and our partners at HM Revenue & Customs (HMRC) have identified that this premises have fundamentally failed in the objective to prevent crime & disorder through facilitating the sale and storage of smuggled tobacco.

Smuggled tobacco presents a significant risk to the community. In addition to the correct duties not being paid to central Government on these products, there is known to be significant damage to local legitimate businesses who rely on sales of genuine tobacco to be sustainable. Furthermore, smuggled tobacco can potentially cause greater harm to consumers who may be unaware whether the product is genuine and/or safe to consume.

On Thursday 14th November 2019 officers from Dorset Police and HMRC conducted an intelligence-led operation in Bournemouth and Poole, visiting a number of premises where we have received prior intelligence that smuggled alcohol and/or tobacco were being offered for sale.

At 9.35am we attended *Polski Sklep* and upon conducting a search of the premises HMRC located and seized 1,520 smuggled cigarettes and 1 litre of smuggled alcohol at a location in the store where they were being offered for sale. These products have since been confirmed as being smuggled. The DPS confirmed during the visit that he regularly purchases the cigarettes from a Polish associate.

The Revised Guidance issued under Section 182 of the Licensing Act 2003, published in April 2018, is clear at Section 11.27 where it states that there is '*certain activity that may arise in connection with licensed premises which should be treated particularly seriously*'. This includes the use of licensed premises '*for the sale or storage of smuggled tobacco and alcohol*'.

The Guidance further envisages at section 11.28 that '*Police...and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime*' and that '*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*'. Dorset Police do not consider that a change of DPS would suffice.

There can be no excuse for licensees promoting crime within their premises. When considering the relevance of the review and the potential sanctions, if any, that the Sub-Committee may choose, it should be emphasised that Dorset Police and other partner agencies are working tirelessly to tackle this type of criminality that is becoming a National concern. It is the view of Dorset Police that this type of activity should not be condoned and further similar operations are planned for the future throughout Bournemouth and Poole to tackle this criminality.

In addition to the above a number of conditions relating to the Premises Licence were noted to have been breached. Both members of staff present at the time of the visit were unable to operate

the CCTV in breach of Condition 2.6.5. It was noted that the time of the CCTV recording was incorrect at the time of the visit and there was no camera operating at the premises capable of recording images of persons entering the store to such a standard that they could be identified as required by condition 2.6.2.

Condition 2.7 requires that no single bottles or cans of alcohol with an a.b.v. of more than 5.5% shall be sold and there were single 330ml bottles of *Desperados* with an a.b.v. of 5.9% alcohol on display. The DPS explained that there is an internal staff policy to only sell a minimum of two bottles of alcohol, however, there were no signs on display to that effect and no mention of this policy contained within the written staff training records.

There were some loose-leaf sheets detailing some refusals of sales of alcohol provided by the DPS, however, no checks were recorded that they were accurate by the DPS as is required by condition 2.10. Finally, Condition 2.11 requires that a label or marking should be present on all alcohol products sold to ensure that the source of the product can be identified. The DPS confirmed during the visit that no such markings or tags are present on any alcohol products offered for sale at *Polski Sklep*.

Dorset Police officers conducted a further visit to the premises at 10.00am on Wednesday 20th November 2019 and discovered that the store was closed and that all products had been removed from the displays.

Dorset Police invite the Sub-Committee to consider all of the options available to them under the Licensing Act 2003 with particular consideration to be given to revocation of the Premises Licence as we do not consider at this time that the other options available to the Sub-Committee would sufficiently meet the intentions of Licensing Act 2003 Section 182 Guidance.

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

Please tick ✓ yes
☐

If yes please state the date of that application

Day	Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **20th November 2019**

Capacity **Police Sergeant**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.