

[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 Gareth Gosling on behalf of 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	
Bargain Convenience Store 495 Wimborne Road	
Post town Bournemouth	Post code (if known) BH9 2AW

Name of premises licence holder or club holding club premises certificate (if known)
Mr Ali Rashid Zmnako

Number of premises licence or club premises certificate (if known)
BH093646

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) [REDACTED]
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.

Section 11.27 of the Section 182 Licensing Act 2003 Guidance states the following –

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

One of those specific activities are listed as the use of a premises *for the sale or storage of smuggled tobacco and alcohol.*

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

Dorset Police no longer have confidence in the DPS or Premises Licence Holder to uphold the licensing objectives.

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 Bargain Convenience Store, also known as *Bargain Booze*, 495 Wimborne Road, Bournemouth, is being submitted by Dorset Police as we can evidence that this premises undermined the licensing objective of the Prevention of Crime & Disorder.

It is 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 licensed premises who rely on sales of duty-paid alcohol and 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. As these products are generally offered for sale at a cheaper price, this encourages excessive consumption, which impacts on the health of the consumer.

On 12th July 2022 officers from Dorset Police, Trading Standards and HMRC conducted an intelligence-led operation in Bournemouth and Poole, visiting several premises where we have received prior intelligence that smuggled alcohol and/or tobacco were being offered for sale.

At 4.00pm officers attended *Bargain Booze* and upon conducting a search of the premises HMRC located and seized 2800 cigarettes and 1kg of hand-rolling tobacco from a location in the store where they were being stored or offered for sale, namely in a drawer adjacent to the till and a holder in the stock storage room. These products were confirmed by the Premises Licence Holder (PLH) as being smuggled. The PLH further stated during the visit that he couldn't identify from whom he had bought the products, only that there were always Polish and Romanians asking if he wanted to buy tobacco. When asked if he knew the tobacco to be illicit, the PLH stated 'Yes'.

There were alcohol products stored and offered for sale at the premises that HMRC queried as being illicit and no receipts could be produced, however, the focus remained on the tobacco, which was seized and will subsequently be destroyed.

As previously highlighted, 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*'.

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 it is very much our intention to continue to work closely with our partners to conduct further similar operations in the future throughout Bournemouth and Poole to tackle this criminality.

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 given that the licence holder has willingly, and knowingly, avoided paying duty on the tobacco being offered for sale.

Whilst fiscal matters are not of concern to the Sub-Committee; in the event that the Licensing Sub-Committee were to revoke the premises licence, Dorset Police are of the view that the *Bargain Booze* business will remain viable given that the community is made up of residential and commercial premises that will continue to need groceries.

Dorset Police invite the Licensing Sub-Committee of BCP Council Licensing Authority to take this opportunity to stand alongside Dorset Police and our partners to tackle the sale of smuggled alcohol and tobacco to ensure that other legitimate businesses can continue to thrive and that we can continue to protect the public who benefit from our valued licensed premises.

9

Day Month Year

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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 **15 August 2022**

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.

Application to Review Premises Licence Report

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Bargain Convenience Store (Bargain Booze) – BH093646

This report is to be considered alongside the formal Application to Review a Premises Licence submitted to the Licensing Authority. It is the intention of Dorset Police to avoid any repeat of information previously submitted and to provide both the licensee (or their representative) and members of the Licensing Sub-Committee with additional information, context and evidence in support of the application. This report is being completed and submitted as soon as practicable for the benefit of all parties. Whilst all details are correct at the time of completion, Dorset Police reserve the right to amend / introduce additional information and evidence in advance of the hearing.

Background

This premise is a grocery and convenience store located at Wimborne Road, Winton, Bournemouth. This area is a vibrant area with a busy mix of residential and commercial premises. Whilst the licence is in the name of Bargain Convenience Store, the name of the store according to the signage is *Bargain Booze*.

The premise benefits from a 24-hour licence, always permitting the sale of alcohol and other good, including cigarettes. Whilst Dorset Police accept that there are benefits to the late evening/night provision for shift workers and those enjoying the night time economy, this does present challenges for the operator and has resulted in occasional engagement between the operator and Dorset Police following receipt of reports of alcohol-related anti-social behaviour associated with this premises.

Having worked with partners and the community to develop intelligence, an operation was conducted with HMRC and BCP Council Trading Standards to identify and tackle premises that are involved in the sale of illicit alcohol and tobacco.

Officers from Dorset Police and HMRC attended Bargain Convenience Store on 12TH July 2022 and soon discovered a quantity of cigarettes that had not been subject of UK duty.

The products seized and later confirmed as being 'duty free' were as follows –

2,800 cigarettes
1kg of hand rolling tobacco

The value of the duty that had not been paid on this seized product was estimated at **£1,634**.

Concerns

During the visit with HMRC, the operator and licence holder of Bargain Convenience Store, Mr Zmnako, revealed that they had purchased the goods from several individuals from Eastern Europe. It is difficult to estimate the true value of the stock that has been sold at the premises which has not been subject of appropriate import duty over the past weeks, months or years.

Dorset Police are concerned that this experienced operator has supported the organised crime of importing of illicit cigarettes and tobacco. This deliberate activity will certainly be resulting in an increase in the availability of cheap cigarettes in this area, which impacts on the health of consumers and the demand on the NHS.

Summary

Dorset Police are of the view that this activity is a clear indication of the licence holder being incapable of promoting the licensing objectives and meeting the conditions of this Premises Licence. The impact is such that the premises is having a detrimental effect on the local community.

Available Outcomes of the Review

To assist the members of the Sub-Committee, Dorset Police make the following submissions in relation to the available outcome options in respect of this Application for Review -

No Action Taken

Dorset Police are of the view that taking no action is not a viable option. The Sub-Committee will hopefully agree that Dorset Police (and our partners) have engaged in worthwhile enforcement action to target organised crime affecting both our residential and business communities. Dorset Police seek a Review of a Premises Licence as a last resort where engagement and support has failed to result in any significant improvement.

Exclude Licensable Activities from the Licence

As the current Premises Licence only includes the Sale by Retail of Alcohol, Dorset Police are of the view that this option would not be appropriate as this would effectively result in the revocation of the licence.

Modify / Add Conditions

If the Sub-Committee were inclined to consider modifying the existing conditions, Dorset Police do experience challenges when determining suitable conditions that tackle anti-social behaviour occurring immediately outside 'off-licence' premises.

This premises currently benefits from a 24-hour licence for the off-sales of alcohol.

If the Sub-Committee are inclined to consider additional conditions or impose restrictions to this premises licence that might assist the premises to promote the licensing objectives and ensure compliance with the existing conditions, Dorset Police make the following observations -

- Dorset Police do not consider that there are any conditions that would adequately mitigate the concerns that we share with our partners concerning the storage and sale of illicit tobacco.

The existing conditions attached to the Premises Licence are not to the standard expected to meet current 'best practice' for a premises of this type.

Remove DPS

The existing DPS is the owner of the premises and the holder of the Premises Licence. Dorset Police anticipate that any change in DPS would likely have a limited impact as any new DPS would be receiving direction and instruction from the current DPS and owner of the premises, who has failed to promote the licensing objectives and have been responsible for encouraging the importing of illicit tobacco to this premises.

Dorset Police are of the view that this option would not remedy the issues identified above.

Suspend the licence for a period (not exceeding 3 months)

The suspension of this Premises Licence is unlikely to result in any substantial improvement. This is an experienced operator who should be acutely aware of their obligations to uphold the licensing objectives. As detailed previously, it is unknown how long this activity has been taking place and how much illicit product has been sold through this premises.

Revoke the Licence

Dorset Police support the view that this option should be a last resort for the Sub-Committee. Whilst fiscal issues are outside of the considerations of the Sub-Committee, Dorset Police consistently adopt a proportionate approach, wherever possible, to remain sensitive to commercial viability of businesses.

Dorset Police acknowledge the value that licensed premises add to communities as places of social and economic value, however, where the presence of a licensed premise becomes detrimental to a community, appropriate action must be taken to seek improvement or reduce/remove the concerned premises.

If the options proposed above are not considered appropriate, Dorset Police propose that this Premises Licence be revoked.

The Sub-Committee are reminded that the Revised Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, last 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 'activity' 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*'.

The revocation of the premises licence and the exclusion of the licensable activities will not render the premises unusable as this premises do offer a range of products for sale. There is of course the option for a further Premises Licence Application to be submitted in the future.

Conclusion

Dorset Police do not intend to elaborate a great deal on the above during the Sub-Committee hearing, however, we will ensure our availability to answer and queries and provide any further clarification/support/advice to the Sub-Committee as required.

Dorset Police invite the Sub-Committee to follow the Section 182 Guidance issued by the Secretary of State which provides that revocation of a licence in these circumstances, should be seriously considered.

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Isabelle Turner

URN: 88/Code/CAN/YY

Age if under 18: over 18 (If over 18 insert 'over 18') Occupation: Officer of HMRC

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: I.Turner

Date: 28/07/2022

Indicate if witness evidence is visually recorded² No (If YES, see guidance)³

I am a Mobile Enforcement Officer of HM Revenue & Customs (HMRC) based at Ty William Morgan, 6 & 7 Central Square, Cardiff, CF10 1EP.

At 16:17 on 12th July 2022. I was on duty at Bargain Booze, 495 Wimborne Rd, Bournemouth, BH9 2AW with Officers Herbert, Fenton, Briaris, Maxted and Thomas of HM revenue and Customs, along with Police Officers. We entered the property under section 112 of Customs Excise Management Act 1979.

At 16:35 I seized 2,800 non-uk duty paid mixed branded cigarettes under section 139 of Customs Excise Management Act 1979. I sealed these items in an Evidential Bag Number AB0765087 which I produced marked TURNER01.

At 16:38 I seized 1KG non-uk duty paid mixed branded tobacco under section 139 of Customs Excise Management Act 1979. I sealed these items in an Evidential Bag Number AB0765088 which I produced marked TURNER02.

The estimated Revenue loss for the seized goods is valued at: - £1,634.

Date: 28/07/2022

Signature: Isabelle Turner
(Signature of witness)Signature: I.Turner
(Signature witnessed by)**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**
Page 1 of 2

Statement of: Isabelle Turner

URN: 88/Code/CAN/YY

At 16:52 I issued ENF3191 to Ali Rashid Zmnako, D.O.B [REDACTED],

who was identified as the Owner of Bargain Booze.

At 17:00 the search concluded, I left the premises and placed TURNER01 and TURNER02 into official vehicle. I.T

Date: 28/07/2022

Signature: Isabelle Turner
(Signature of witness)Signature: I.Turner
(Signature witnessed by)**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**
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