

*rec/QCC - 24/06/19

*Ends - 22/07/19

*ndice -

117363

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 Tj Mavani*(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

EuroMarket, 33 Narborough Road

Post town
Leicester

Post code (if known)
LE3 0LE

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

[REDACTED]

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

[REDACTED]

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

Leicester

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 Licensing Team Manager Licensing Authority Leicester City Council York House 4 th Floor 91 Granby Street Leicester LE1 6FB
Telephone number (if any) 0116 454 0049
E-mail address (optional)

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

Please tick one or more boxes ✓

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

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

On Wednesday 12th April 2019, Licensing enforcement officers attended Euro Market, 33 Narborough Road, Leicester, as part of a joint agency Operation, namely [REDACTED] which was set up by the National Crime Agency in order to disrupt criminal activities.

Euro Market is situated on an arterial route into Leicester City centre, the vehicular and pedestrian footfall is heavy during both peak and off-peak times of the day.

The premises was originally called Green & Fresh Partnership Ltd and became Euro Market on 29th December 2015. On 9th April 2018, [REDACTED] was updated as the new DPS and is still the current DPS.

Other agencies that attended were Her Majesty's Revenue and Customs (HMRC), Trading Standards, Home office Immigration and Leicestershire Police.

Officers entered the named address at 17.39hrs and HMRC officers immediately spoke to the female who was the sole occupant of the premises and was standing behind the counter. – she gave her name as Iwona WOJCIK [REDACTED]. She identified herself as the Licence holder and the nominated Designated Premises Supervisor. Licensing enforcement officers spoke to the [REDACTED] and ascertained her details – [REDACTED] had no formal identification as she stated that she had left her handbag at home, containing all personal documentation.

[REDACTED] has held a personal licence (LEIPRS4008) since 2nd February 2019 with this authority and became the DPS for the Euro Market on 9th April 2018.

At the time of the visit [REDACTED] was unable to produce her Personal Licence on request as she stated that she had left it at home.

Upon conducting an inspection of the licensed premises, due to suspicion that the licensing conditions were not being met, the following breaches were identified.

1. There were no Challenge 21 posters on display or any other age verification material.
2. [REDACTED] could not produce a refusals book for officers to inspect but stated that they had one on the premises.
3. [REDACTED] was unable to name any licensing objectives that relate to the premises.
4. There were no staff training records or any evidence that any training had taken place.
5. The emergency exit to the rear of the premises was locked by means of a metal barred gate, which was padlocked and prevented any emergency exit from the premises.

6. The alarm system was not maintained and not in working order.
7. [REDACTED] was aware of requesting the correct identification from individuals that appear to be under the age of 18 years old or any person who appeared to be in an intoxicated state. [REDACTED] was also aware that all alcohol had to be consumed off the premises.

Following an initial search of the ground floor premises by HMRC officers, an amount of non-UK duty paid cigarettes and tobacco were located in a small kitchen area, to the rear left-hand side of the shop. The cigarettes and tobacco were contained in a blue suitcase and a Sports Direct bag. The cigarettes and tobacco were recovered by HMRC officers. A statement appended to this report by HMRC Officer [REDACTED] SPEED details the goods recovered, including photos of the goods recovered.

After further enquiries with the Premises Licence Holder/DPS, [REDACTED] it was discovered that the set of keys that she had direct control over contained keys which allowed entry to the flat directly above the shop. A search of Flat [REDACTED] was conducted, and a large amount of non-UK duty paid cigarettes and tobacco were located and recovered by HMRC officers. [REDACTED] admitted to HMRC officers that she had been selling the cigarettes for the amount of £5.00 per packet for a few weeks. A statement which details the recovery of the cigarettes and tobacco seized is appended to this report by HMRC officer [REDACTED] including photos of the goods recovered.

A letter to [REDACTED] was sent to the premises address and the registered home address of [REDACTED], on 12th April 2019, detailing the breaches of conditions which were noted on the Operation, which is appended to the report.

A further inspection was carried out on Tuesday 21st May 2019. The Licence holder/DPS, [REDACTED] was present at the time of the inspection. She stated that she had not received any of the correspondence sent to the premises address or her home address. A copy of the letter was shown to [REDACTED] and the noted breaches of the conditions were checked. It was noted that there were several breaches that had not been rectified – as detailed below,

1. *The alarm system was still not maintained and remains inactive.*
2. *There had been no attempt to implement Staff training since the previous visit.*
3. *Staff (namely the DPS [REDACTED] had very little knowledge of the Licensing Act 2003 and is still unable to name the main four the licensing objectives*

A further letter was hand delivered to the premises on Wednesday 22nd May 2019 detailing the remaining breaches, the DPS [REDACTED] was not present at the time of the visit. There was a male who gave his details as [REDACTED] (dob [REDACTED]) [REDACTED] was stood behind the counter, he stated that he held a personal licence and produced his personal licence for identification. During a conversation with [REDACTED] to establish his position within the company – he was asked if he owned the business, he replied that he did not and had travelled from London to help [REDACTED] as she had

childcare issues. The letter was handed directly to [REDACTED] to pass onto [REDACTED]. He stated that she would be returning to work tomorrow (Thursday 23rd May 2019).

The premises were re-visited on Thursday 23rd May 2019 - [REDACTED] was still not available - [REDACTED] was still on the premises and stated that he had spoken to [REDACTED] by telephone and advised her of the contents of the letter.

[REDACTED] was uncontactable on the mobile number provided and went straight to answerphone. Her registered home address was visited, and a copy of the letter was handed directly to [REDACTED]. She informed Licensing enforcement officers that she had spoken to [REDACTED] and was aware of the letter. During the conversation she stated that [REDACTED] had told her to tell Licensing enforcement officers that he was not her boss.

Licensing enforcement officers made enquiries with Leicester City Council Food Safety team on Thursday 23rd May 2019 at 1615hrs and spoke to [REDACTED]. It was documented that [REDACTED] is registered as the company trading as Euro Market. Further enquiries to establish what individual was linked to Euro Market on Companies' House register has revealed that [REDACTED] has a direct interest in the business.

[REDACTED] is named as a director for [REDACTED] on Companies' House register - with a registered address of [REDACTED].

[REDACTED] is also a director for another company listed on Companies' House register namely [REDACTED] - which on 16th August 2014 changed its registered address from [REDACTED].

[REDACTED] provided identification of a Personal Licence which shows his home address [REDACTED]. This shows a direct link that [REDACTED] has an interest in the premises.

The evidential photos taken by HMRC clearly show a delivery label to [REDACTED] - showing a link to [REDACTED] which is the companies registered address of which [REDACTED] is the named director.

A further visit to Euro Market on 30th May 2019 and [REDACTED] was present - she was able to name the four licensing objectives and had started a Staff Training programme including herself and all members of staff (when applicable). An engineer had been arranged, and the alarm system was due to be repaired on 31st May 2019.

Although the DPS is now complying with the conditions set out on the licence, the prevention of Crime and Disorder has clearly been disregarded by the DPS who was committing the offence of selling cigarettes and tobacco without paying the full UK Excise duty. The selling of non-UK duty paid tobacco makes it easier for children to start smoking, takes advantage of cash strapped families and helps funds organised

crime. This also relates to Public Safety and Protection of Children from Harm as there is no control on the quality of the tobacco and could contain harmful substances.

Due to the DPS/Premises licence holder having direct control in committing these offences and breaches of conditions as well as the director of the company being involved, We cannot see any other option than to recommend a revocation of the licence.

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

Appendix 1 – HMRC Officer Statement - [REDACTED]

Appendix 2 – HMRC Officer Statement - [REDACTED]

Appendix 3 – Photos from [REDACTED]

Appendix 4 – Photos from [REDACTED]

Appendix 5 – Breach of Condition letters x 4

Appendix 6 – Companies House result - [REDACTED]

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year
<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

yes

Please tick ✓

- 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 4) (applicant please state in what capacity).

Signature

Date

Capacity

20/06/19

Licensing Team Manager

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)

NOTE

Any personal data that you provide will be processed in accordance with current data protection laws. It will be used by Leicester City Council and our partners to deliver and improve services and fulfil our legal duties. We will not disclose any personal information to anyone else unless required or allowed to do so by law. Read more about how we use personal data in our Privacy Notice on our website www.leicester.gov.uk

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.

NOTICE OF APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE

Postal address of premises:

EURO MARKET
33 Narborough Road
Leicester
LE3 0LE

Grounds of the application for review:

Review requested by Leicester City Council's Licensing Authority Enforcement Team on the basis of the Prevention of Crime & Disorder, Public Safety and the Prevention of Public nuisance as detailed below:

- The Licensing Objectives have been disregarded by the DPS who was committing the offence of selling cigarettes and tobacco without paying the full UK Excise duty.
- It is the view of Licensing Authority Enforcement Team that the licensing objectives would be best promoted by the revocation of this license.
- The Licensing Register can be inspected at any time by visiting www.leicester.gov.uk/licensing . During office hours arrangements may be made for the register to be viewed at the Customer Services Department, Leicester City Council, 91 Granby Street, Leicester, LE1 6FB.
- Any representation relating to this application for a review must be made in writing to the Licensing Authority by Monday, 22nd July 2019.
- It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine on summary conviction for this offence is £5,000.