



Wednesday, 17 January 2018

LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

Thursday, 25 January 2018

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Pentney
Councillor Thomas (J)

Councillor Tolchard

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207087

Email: governance.support@torbay.gov.uk

www.torbay.gov.uk

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Declarations of interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent items**
To consider any other items that the Chairman decides are urgent.
5. **Maja Polish Shop Ltd, 37-39 Market Street, Torquay**
To consider an application for a Review of a Premises Licence in respect of Maja Polish Shop Ltd, 37-39 Market Street, Torquay.

(Pages 3 - 37)



Public Agenda Item: **Yes**

Title: **Maja Polish Shop Ltd, 37-39 Market Street, Torquay TQ1 3AW**

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **25 January 2018**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208124**

✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a Review of a Premises Licence.
- 1.2 The application relates to all the Corporate Priorities within the Corporate Plan.
- 1.3 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder”, “The Prevention of Public Nuisance” and “The Protection of Children from Harm”.
- 1.4 Under regulations to the Licensing Act 2003 (the Act) the Licensing Authority (the Authority) must hold a hearing to consider the application and any relevant Representations.

The Authority must have regard to the application and any relevant Representations and take one or more of the steps as detailed below as it considers appropriate for the promotion of the Licensing Objectives.

The steps are –

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the Designated Premises Supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;
- (f) to do nothing;

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

If the licence is subject to sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences) they remain.

- 1.5 Where the Authority takes a step to modify the conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 1.6 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

2. Introduction

- 2.1 The application has been made under Section 51 of the Act for a Review of the Premises Licence, at the Premise detailed above. Details of the application are shown in Appendix 1.

A brief description of the Review is as follows:

The application has been submitted by the Police and concerns matters relating to the Licensing Objectives “The Prevention of Crime and Disorder”, “The Prevention of Public Nuisance” and “The Protection of Children from Harm”.

A copy of the current licence, including the plan of the premises is attached as Appendix 2.

- 2.2 Torbay Council as the Licensing Authority, is satisfied that the Applicant is a person as defined under the Act as being entitled to make such application and that the application is not frivolous or vexatious. The Authority is also satisfied that the administrative requirements of Section 51(3) (a) and (b) have been met and that the application is therefore, properly made.

A Representation has been received from the Licensing Authority in relation to the Licensing Objectives “The Prevention of Crime and Disorder”, “The Prevention of Public Nuisance” and “The Protection of Children from Harm”. This is shown as Appendix 3.

We have also received a Representation from the Safeguarding and Reviewing service in relation to the Licensing Objective “The Protection of Children from Harm”. This is shown as Appendix 4.

There have been no Representations from any other Responsible Authority or any Interested Party.

- 2.3 The Authority is required to conduct a hearing under provision of Section 52(2) of the Act.
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.5 Once the matter is determined, a Right of Appeal to the Magistrates’ Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to :-
 - (a) the Applicant for the Review,
 - (b) the holder of the Premises Licence, or
 - (c) any other person who made relevant Representations in relation to the application.

In the event that an Appeal is entered, the determination will not have affect until the Appeal is either determined or withdrawn.

- 2.6 Following such Appeal, the Magistrates' court may:-
- (a) dismiss the Appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such an order as to costs as it thinks fit.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

Appendix 1	Application for Review
Appendix 2	A copy of the Premise Licence
Appendix 3	Representation from the Licensing Authority
Appendix 4	Representation from the Safeguarding and Reviewing Service

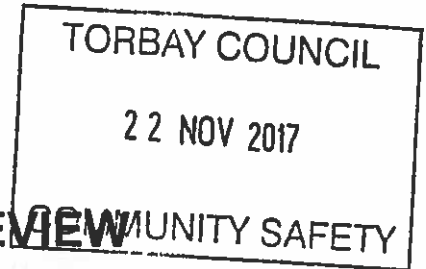
Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2016.



LICENSING ACT 2003

**APPLICATION FOR THE REVIEW
OF A PREMISES LICENCE OR
CLUB PREMISES CERTIFICATE**

NOTIFICATION

Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act 1998. The information that you provide on this form will only be used for this application form and will only be disclosed where necessary under any applicable legislation.

Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise.

You have a right of access to your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, www.torbay.gov.uk

Completed forms should be returned to:

Environmental Health Manager (Commercial)

Torbay Council

Community Safety

C/O Torquay Town Hall

Castle Circus

Torquay

TQ1 3DR

Contact Details:

Tel: 01803 208025

Web: www.torbay.gov.uk

Email: licensing@torbay.gov.uk

**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 Superintendent Jacqueline HAWLEY

(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 Maja Polish Shop 37/39 Market Street	
Post town TORQUAY	Post code (if known) TQ1 3AW

Name of premises licence holder or club holding club premises certificate (if known) Maja Polish Shop Ltd

Number of premises licence or club premises certificate (if known) PL0981

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 Devon and Cornwall Police C/O Torquay Police Station South Street TORQUAY Devon
Telephone number (if any) 01803 218900 – Licensing Officer Julie Smart
E-mail address (optional) Julie.smart@devonandcornwall.pnn.police.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 checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

Concerns that the premises are selling high strength cans of beer to local street drinkers, who are responsible for causing anti-social behaviour and nuisance within Market Street, Torquay.

The police are not satisfied that the Designated Premises Supervisor spends sufficient time at the premises to ensure that the premises are meeting the licensing objectives.

Failure of premises to have an age verification policy as detailed within the Mandatory Conditions. When a member of staff was spoken to she was unaware of any policy, did not know what age she should ask for identification and there were no posters on display in relation to age verification procedures.

On 26 October 2017 the Premises Licence Summary was not on display as required by Section 57(3) of the Licensing Act 2003 and a copy of the Premises Licence that was produced to Mrs Smart, Police Licensing Officer, was a photocopy and not the original or a certified copy as required by Section 57(2) of the Act.

The Premises Licence contains two conditions in relation to a Refusals Register, these being "Refusals register shall be kept" and "A register shall be kept on site to identify any persons refused alcohol". Since October 2014 the police have identified at least 3 occasions when these conditions have not been met. Despite written warnings and advice to staff, the Premises Licence Holder and Designated Premises Supervisor have not ensured that the conditions are being met. Failure to comply with the conditions of a Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003.

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

On the morning of Thursday 25 September 2014 my Police Licensing Officer, Mrs Julie Smart, attended the premises in the company of Mrs Karen Ellicott, a Licensing Enforcement Officer of Torbay Council. They carried out an inspection of the premises and established that the premises did not have a Refusals Register as required by two conditions on the Premises Licence.

As a result of the inspection, letters were sent to the DPS, Mr Mariusz Muskietorz, and the Premises Licence Holder, Maja Polish Shop Ltd, on 1 October 2014, advising them that a breach of the conditions of the Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003 and advising them of the penalty for such an offence. Copies of these letters are attached.

On Thursday 16 March 2017, following receipt of information that the premises were selling cans of high strength alcohol to known street drinkers, who then cause anti-social behaviour in the area, Mrs Smart attended the premises in the company of Mrs Mandy Guy, Senior Licensing Enforcement Officer of Torbay Council. Mrs Smart discussed the issues concerning street drinkers with a female member of staff and also spoke to the DPS on the telephone. Mrs Smart and Mrs Guy noted that the premises had several types of beer/cider/lager with an abv of more than 6% on display and that single cans were being offered for sale. Advice regarding the sale of single cans and sale of alcohol to known street drinkers was provided. An inspection of the premises took place and it was identified that whilst a book containing template pages for recording training received by each individual member of staff and any refusals made was provided at the premises, this book had not been completed and contained no information. It was further noted that there were no spirits located behind the service counter. When staff were asked about this, Mrs Smart and Mrs Guy were shown several boxes of spirits positioned on the floor in an adjoining area of the premises. Mrs Smart asked the female member of staff how often, Mr Muskietorz, the DPS, visits the premises and she was informed that he only attends about once a month but does speak to staff on the phone about once a week. Following this visit letters were again sent to the DPS and Premises Licence Holder outlining the 3 breaches of conditions and requesting that alcohol is not sold to street drinkers at any time. Copies of these letters are attached.

On 12 October 2017 Police Community Support Officer Maria Holmes attended Mrs Smart's office where she advised Mrs Smart of an on-going problem that she was having with street drinkers within the Market Street area. Since 17 July 2017 13 logs were recorded on the police Storm system in relation to anti-social behaviour incidents reported by members of the public. PCSO Holmes had frequently attended the area and identified that the alcohol being consumed by these individuals is a Polish brand called Karpackie, which has an abv of 9%. This brand is sold from Maja Polish Shop but cannot be purchased at any other off licence premises within the town centre. Following their discussions, PCSO Holmes sent an email to Mrs Smart outlining her concerns, a copy of which is attached for your information.

On 26 October 2017 Mrs Smart attended Maja Polish Shop in the company of Mr Gary O'Shea, Senior Licensing Officer of Torbay Council. Mrs Smart spoke to a female member of staff (the same female that was spoken to on 16 March 2017) and advised her of the problems being experienced by members of the public and the police in relation to street drinkers who were known to be consuming Karpackie. The female member of staff advised Mrs Smart that they do not sell alcohol to persons who are drunk. Mrs Smart noted that there was no Premises Licence Summary on display and requested to see a copy of the Premises Licence. A copy of the Premises Licence was produced, however this was not the original licence or a certified copy of it. Mrs Smart was then handed a telephone and was advised that a female from the premises head office wished to speak to her. Mrs Smart advised this female that the original licence should be held at the premises and the Premises Licence Summary must be on display. Mrs Smart showed the female member of staff present the part of the licence entitled "Premises Licence Summary" and told her to put it up on the wall as soon as it was received from the head office. Mrs Smart also noted that there were no Challenge 21 or Challenge 25 posters on display and asked the member of staff what the premises policy was in relation to age verification. This member of staff advised that they don't get underage persons in there so it is not a problem. Mrs Smart asked to see the Refusals Book and was shown the same book that she had seen on a previous visit. Mrs Smart checked this book and noted that the last entry was on 31 March 2017. From further discussions with

the member of staff Mrs Smart formed the opinion that there was no age verification policy in place. Mrs Smart asked the member of staff how often the DPS, Mr Muskiatorz, attends the premises and she was advised that he visits about once a month, but they can ring him if they need too.

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

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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, 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 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 17.11.17

Capacity **Superintendent**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)
Police Licensing Officer Julie Smart
Police Station
South Street

Post town TORQUAY	Post Code TQ2 5AH
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Telephone number (if any) 01803 218900

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) julie.smart@devonandcornwall.pnn.police.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.
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.

SMART Julie 50403

From: HOLMES Maria 30360
Sent: 12 October 2017 22:04
To: SMART Julie 50403
Cc: METHERELL Lee 10159; CROFTS David 14987
Subject: Castle Lane

Julie

It was nice to have the chat today about the issues caused by the street drinkers/drug users in Castle Lane behind the Salvation Army premises. I need clarifying whether this is part of the non-drinking zone or is it just right on the tip of the boarder. As promised here is the email.

The street drinkers are purchasing alcohol from the Polish Shop at the top end of Market Street, Polski Skelp – Maja.

The alcohol purchased is called Karpackie which is 9% alcohol (black can) there is evidence that they are using a straw to drink from the cans in order to get double the effect. Not only this they are cutting up the empty cans to then use in their drug taking activities, also using needles and leaving all their paraphernalia in full view of the general public and surrounding businesses. From the logs that have been coming in they are blatantly drinking in full view as well as taking drugs, they are also arguing amongst themselves which is causing Harassment, Alarm and Distress for the members of public passing through.

I have spoken with the ~~██████████~~ for Union Square who has informed me that at 7am when he walks round the area he is having to constantly having to clear up empty beer cans and drug items, not only this they are kicking in the doors to the car park in order to drink/drugs when there is bad weather. They are also urinating and defecating in these areas. Bedding has also been removed from the area. ~~██████~~ will also keep me updated with the issues in the area, he has my contact details and I will pop in and see him when next on duty.

I have also spoken with Kevin the Street Warden who is walking around the area as part of his patrol and will update me on who he moves on etc.

I am also speaking with ~~██████████~~ who is in charge of ~~████████████████████~~, I will pop in and see him again when I return from leave.

There have been several logs to date and there will be more if we don't get some sort of solution.

Logs to date –

922 17/07/2017
497 10/08/2017
1088 23/08/2017
159 14/09/2017
362 14/09/2017
530 26/09/2017
487 29/09/2017
325 30/09/2017
561 03/10/2017
385 05/10/2017
605 05/10/2017
508 06/10/2017
277 10/10/2017

I will be looking at setting up a PSP for this area and will be doing this when I come back from leave.

Please let me know if there is any further information you require and thank you for letting me know that there will be another Polish shop opening on the other side of Market Street.

With kind regards

Maria

PCSO 30360 Maria Holmes
Torquay Neighbourhood Policing Team
Ellacombe/Watcombe Ward

101 or 07703 886019 (direct line)

E-mail – 30360@devonandcornwall.pnn.police.uk

'Your Police, Your Community, Our Commitment'

**Handling Instructions: Not to be distributed outside Devon and Cornwall Police without Prior Permission of the*



DETAILS OF LOGS IN RELATION TO ANTI-SOCIAL BEHAVIOUR IN CASTLE LANE, TORQUAY

Date	Time	Log No	Details
17/07/17	20:24	922	Report of 4 males, all around 40 years old, who are drunk and refusing to move on. Reporting person was a security officer. Police attended and gave advice to the males.
10/08/17	14:10	497	Report of 6 homeless persons outside the shop who are drinking and being rowdy, shouting and having a verbal argument. Reporting person indicated that all the males were under the influence of alcohol and threatened to sort it out himself if the police did not attend. Police attended and at that time there was only one drinker at the scene and he was moved on.
23/08/17	21:41	1088	Caller indicated that her husband was having a problem with a couple of drug dealers who were being aggressive and fighting with each other. Police attended at 22:11 and all was quiet in the area.
14/09/17	09:29	159	Report of 3 homeless males sat out in the street drinking alcohol. One of the males became abusive with the reporting person asked them to move on and leave the area. They were sat outside the shop next to the Salvation Army. Police attended, the males stopped drinking and were moved on from the area.
14/09/17	13:46	362	Caller advised that the 3 males moved on earlier that morning had returned and were drinking very strong lager, being abusive and shouting. Police attended but no males were present. An area search was conducted but the males were not located.
26/09/17	15:07	530	Report of 2 male drinkers throwing cans around the area. Both males looked homeless. Officers attended the location where the reporting person was spoken to and the males left the area.
29/09/17	14:00	487	Caller said that there were 3 male street drinkers sat on the floor in Castle Lane, in the alcohol free zone. He indicated that they have bottles of beer and have been urinating in the alleyway. Officers attended and moved the males from the area. Log indicates that the Neighbourhood Team are aware and trying to deal with the issue.
30/09/17	10:21	325	Report of 3 drunks in the street, within the no drinking zone. Officers attended but on arrival no males were located.

03/10/17	15:52	561	Caller advised that there are about 10 street drinkers in Castle Lane. He stated they are all intoxicated and believed some are on spice and are out it. One is in a wheelchair and very drunk. They are generally causing a nuisance and unsightly. He stated it is happening every day and beginning to effect his business. Police attended but did not locate these persons.
05/10/17	11:41	385	Caller stated that males were outside his shop drinking. Described them as 2 white males, F'ing and blinding, being rowdy and shouting. Police attended and dispersed a large group of local alcoholics/drug users from the area.
05/10/17	15:05	605	Reporting person stated that a white male, aged 40's with dark clothing was drinking alcohol in the no alcohol area. Reporting person indicated that he believed the problem is being caused by the Polish shop on Market Street selling 9% strength beer in single cans for £1.19 a can and people are going in there and then drinking it on the street. Police attended and moved the male on.
06/10/17	14:46	508	Report of 2 males drinking in the no drinking zone, very much in drink. Police attended and the males moved off swiftly on their attendance.
10/10/17	11:13	277	Caller stated that 2 males who had been opposite his premises drinking are now arguing and causing issues for him and his customers. Police attended but the males had left the area.
14/10/17	09:50	288	Caller stated that there 2 homeless males drinking in the street. He said they are drinking from cans believed to be purchased from the nearby Polish shop. He said that the two males appear to be arguing amongst themselves, there is swearing and some shouting and he is concerned for passers-by. Police attended and spoke to 2 well known males, who were moved on.
19/10/17	16:07	611	Caller stated there are 2 males and a female in the area shouting, drinking and swearing. They are throwing drinks at passers-by and also at shops. Police attended and did an area search but did not locate these persons.



Devon & Cornwall Police

Building safer communities together

Maja Polish Shop Ltd

~~37-39 Market Street~~

~~Torquay~~

~~TQ1 3AW~~

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

1 October 2014

Dear Sir/Madam

Maja Polish Shop Ltd, 37-39 Market Street, Torquay, TQ1 3AW

I write to you in your capacity as Premises Licence Holder of the above named premises, which has the benefit of Premises Licence Number PL0981 issued by Torbay Council.

During the morning of Thursday 25 September 2014, my Police Licensing Officer, Mrs Julie Smart, attended your premises in the company of Mrs Karen Ellicott, Licensing Enforcement Officer of Torbay Council, to undertake a licensing inspection.

At that time they established that your premise does not have a Refusals Register and gave suitable advice to your member of staff concerning this matter.

I would take this opportunity to remind you of the following conditions contained within your Premises Licence:

Condition 5 under the heading The Prevention of Crime and Disorder:
Refusals register shall be kept.

Condition 3 under the heading The Protection of Children from Harm:
A register shall be kept on site to identify any persons refused alcohol.

I must warn you that failure to comply with the conditions of the Premises Licence constitutes an offence under Section 136(1) of the Licensing Act 2003 as follows:

1) *A person commits an offence if –*

licensingeast@devonandcornwall.pnn.police.uk

- a. *He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or*
- b. *He knowingly allows a licensable activity to be so carried on.*

Subsection 4 of Section 136 of the Licensing Act 2003, also states:

"A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both."

I must advise you that your premises will be monitored by my officers and should any further concerns come to my attention I may consider applying for a Review of your Premises Licence or a prosecution for any offences committed, but I hope that this will not be necessary.

A copy of this letter has been sent to the Torbay Council Licensing Department for their information.

Should you wish to discuss the contents of this letter, please do not hesitate to contact my Police Licensing Officer, Mrs Julie Smart, on 01803 218900.

Yours faithfully



Glen Mayhew, Superintendent
LPA Commander – South Devon



Devon & Cornwall Police

Building safer communities together

Mr Mariusz Muskietorz
Designated Premises Supervisor
Maja Polish Shop Ltd
37-39 Market Street
TORQUAY
TQ1 3AW

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

1 October 2014

Dear Sir

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Yours faithfully

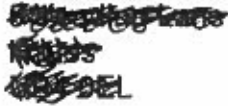


Glen Mayhew, Superintendent
LPA Commander – South Devon



Devon & Cornwall Police

Maja Polish Shop Ltd



Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER EX2 7HQ

29 March 2017

Telephone: 01803 218900

Dear Sir/Madam

Maja Polish Shop Ltd, 37/39 Market Street, Torquay, Devon, TQ1 3AW

I write to you in your capacity as the Premises Licence Holder of the above named premises, which has the benefit of Premises Licence Number PL0981 issued by Torbay Council.

I have been advised that my Police Licensing Officer, Mrs Julie Smart, has received a report from an officer outlining a complaint from a member of the public that your premises is selling high strength beer, lager and cider to known street drinkers. For your information these persons are well known to the police, the Torbay Council Street Wardens and many off licence premises within the town centre. Many of these individuals are alcohol dependant and once in drink they frequently cause anti-social behaviour in the area. At the current time there are issues of them consuming alcohol from cans in a sheltered area behind Wilkinsons and the Salvation Army shop off of Castle Lane.

Mrs Smart advises me that at approximately 1400 hrs on Thursday 16 March 2017 she attended your premises with Mrs Mandy Guy, Senior Licensing Enforcement Officer of Torbay Council. They discussed the above matter with a member of your staff, who subsequently telephoned your DPS, Mr Mariusz Muskietorz, and Mrs Smart also briefly discussed this matter with him.

Mrs Smart and Mrs Guy noted that your premises sells beer, lager and cider with an abv of more than 6% and it was also noted that single cans are sold. I would advise you that Torquay Town Centre is subject of a Cumulative Impact Area (CIA) due to the high levels of crime and disorder and public nuisance within that area. However, your premises are situated just outside the boundary of this area. Many off licence premises within the CIA have conditions on their licence prohibiting the sale of any beer, lager or cider with an abv of more than 6% and they are also not able to sell single cans.

Contact with the police

Emergency 999

Non-emergency www.devon-cornwall.police.uk/reportcrime

101@devonandcornwall.pnn.police.uk

101

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DC_Police

Page 22



The Government Standard
Stock code: 5F615

During your discussions with Mrs Smart you indicated that your staff do not sell alcohol to persons who are drunk but I would be grateful if you could take this a step further and refuse the sale of alcohol to known street drinkers at any time. I would also ask you to consider ceasing the sale of single cans as often these persons do not have sufficient funds to purchase multi-packs and therefore this limits their ability to obtain alcohol.

Whilst at your premises Mrs Smart asked to see a copy of your Refusals Log and was handed a book by a member of staff. This book contained template pages for recording training received by each individual member of staff and any refusals made, but unfortunately no information had been recorded therein. Your staff were asked whether they make any refusals and Mrs Smart was advised that they do, but it is not recorded anywhere.

I would take this opportunity to remind you condition 3 under the heading the Protection of Children from Harm on your Premises Licence which states:

"A register shall be kept on site to identify any persons refused alcohol".

It therefore appears that you are currently operating in breach of the above condition, which constitutes an offence under Section 136 of the Licensing Act 2003. A person found guilty of such an offence is liable to an unlimited fine and/or 6 months imprisonment. I would therefore ask that you ensure your premises complies with this condition immediately.

Mrs Smart and Mrs Guy noted that no spirits were located behind your service counter and asked staff whether these were sold in your premises. They were then shown several boxes of spirits positioned on the floor in an adjoining area of the premises. They were advised that you are currently having new shelving put up behind the counter and that this would take about a week to complete. I would take this opportunity to remind you that condition 2 under the heading the Prevention of Crime and Disorder on your licence states:

"Spirits must be displayed behind counter and will sold by staff over the counter".

Whilst I appreciate that you are in the process of erecting new shelving, I would respectfully request that this is completed as soon as possible to ensure the above condition can be complied with.

Mrs Smart also asked your staff when your DPS, Mr Muskietorz, would next be working at your premises. She was advised that he only attends approximately once a month, but does speak to them about once a week on the phone. I would remind you that the

DPS is responsible for the sale of all alcohol at the premises and should be the person in day to day management and control of the premises. From the discussions Mrs Smart had with staff this does not appear to be the case, and I would ask you to review this matter and consider appointing a DPS who regularly works at this premises.

In respect of the complaint received concerning the sale of high strength beer, cider and lager to street drinkers, your premises will now be monitored. Should further complaints come to my attention, I will consider taking further action in respect of this matter, but I hope that this will not be necessary.

Should you require any further information or assistance, please contact Mrs Smart on 01803 218900.

Yours faithfully



Superintendent M Lawler
Territorial Policing & Partnership Department



Devon & Cornwall Police

Mr Mariusz Muskietorz
Designated Premises Supervisor
Maja Polish Shop Ltd
37/39 Market Street
TORQUAY
TQ1 3AW

Licensing Department East
Devon and Cornwall Constabulary
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101@devonandcornwall.pnn.police.uk 101

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DC Police
Page 25



The Government Standard
Stock code: SFG15

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Superintendent M Lawler
Territorial Policing & Partnership Department



Devon & Cornwall Police

Mr Mariusz Muskietorz

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Licensing Department East
Devon and Cornwall Constabulary
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Superintendent M Lawler
Territorial Policing & Partnership Department

Licensing Act 2003
Premises Licence

981

LEGAL AUTHORITY



Licensing Section
Torbay Council
Roebuck House
Abbey Road
TORQUAY
DEVON
TQ2 5EJ



Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Maja Polish Shop Ltd

37-39 Market Street, Torquay, Devon, TQ1 3AW.

Telephone 390406

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only	Monday to Saturday	9:00am	11:00pm
	Sunday	10:00am	10:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	9:00am	11:00pm
Sunday	9:00am	10:00pm

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Maja Polish Shop Ltd
majapolishshop@aol.co.uk



REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Maja Polish Shop Ltd

07193277



Licensing Act 2003

Premises Licence

981

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mariusz MUSKIETORZ

~~17 Kings Road, London, W8 5BA~~

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 No. 01274

Issued by Ealing



Steve Cox
Environmental Health Manager (Commercial)
15 July 2011



ANNEXES**ANNEXE 1****MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL**

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence , or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her 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.

ANNEXE 2**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****General**

1. Opening hours shall be displayed on the window.
2. A sign must be displayed to say who is allowed to buy alcohol.

The Prevention of Crime and Disorder

1. CCTV shall be fitted for sale of alcohol: Records shall be kept for 28 days with free access for police.
2. Spirits must be displayed behind counter and will be sold by staff over the counter.
3. All staff must be trained and made aware of their responsibilities.
4. Premises shall be fitted with an alarm system.
5. Refusals register shall be kept.

Public Safety

1. First aid box must be on the premises.
2. All exits must be kept unobstructed.
3. All health and safety rules must be kept.
4. Staff training shall include having good cooperation with local police and other businesses.
5. Premises shall be equipped with fire protection.



ANNEXES continued ...

The Prevention of Public Nuisance

1. All deliveries and disposal shall be carried out in the daytime hours.
2. Customers and staff must leave the premises in a quiet and calm manner.
3. A bin must be provided.

The Protection of Children from Harm

1. The shop shall adopt the challenge 21 scheme.
2. ID must be asked for when in doubt, a passport, driving licence shall be accepted.
3. A register shall be kept on site to identify any persons refused alcohol.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

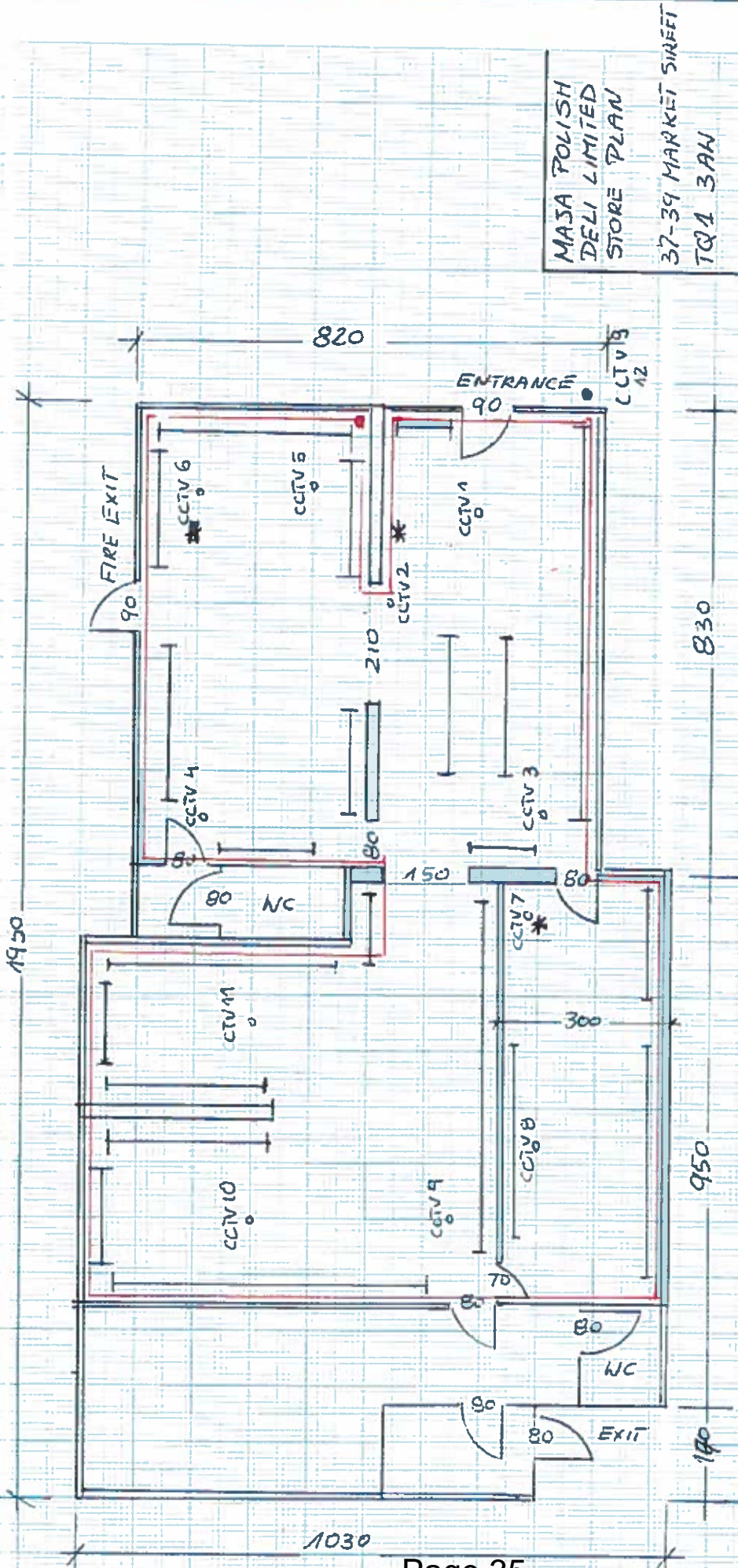
ANNEXE 4

PLANS

Copy attached to Licence.



ANNEXE 4



MASA POLISH
DELI LIMITED
STORE PLAN
37-39 MARKET STREET
TQ1 3AN

SCALE 1:100

- CCTV
- Regal.
- * Pay Point
- AREA SHOPPING

Memorandum

To: Mandy Guy

From: Licensing Authority

cc:

Contact: Gary O'Shea

Date: 14th December 2017

Extn: 7631

Ref: Maja Polish Shop
37 -39 Market Street, Torquay

Subject: Application for the Review of a Premises Licence in respect of the above named premises, under licence number PL0981

I write in support of the review submitted by Devon and Cornwall Police in respect of the above named premises.

On 26th October 2017, I attended the premises in the company of Julie Smart, Police Licensing Officer. The visit followed a number of previous concerns that had been raised and was not the first visit to the premises by a licensing officer from either the local authority or the police. I am aware that previous advice had been given prior to my visit on 26th October, both verbally and by way of letter.

The main purpose of my visit was to support Julie Smart whilst she spoke to staff about concerns that had been raised. During the visit, Julie Smart spoke (in my presence) to a female member of staff pointing out that there is currently a serious problem in the vicinity of the premises with street drinkers. These street drinkers are known to be consuming beer of a brand that is not a common brand but is known to be sold from Maja Polish Shop. Indeed the female member of staff showed us a stock of the very same beer, known as Karpackie, which has an abv of around 9% and clearly therefore, very strong in relation to other beers.

Whilst, there is no condition on the premises licence that prevents the sale of high abv content beer or cider, it appears on balance that the street drinkers are likely to be purchasing alcohol from this premises.

The female member of staff, insisted that they do not sell to people who are drunk, however, with the high alcohol content of this beer and others of a similar type, it is not difficult for a person to consume too much, too quickly.

Notwithstanding the above, the premises was found to be operating in breach of the Licensing Act 2003 as there was no premises licence summary on display and neither were the staff able to produce either the original, or a certified copy of the premises licence. This in itself is an offence under the Act, but also means that the

Memorandum

To: Licensing Team	From	: Safeguarding and Reviewing Service
c.c.	Contact	: Faye McNiven
c.c.	Ext	: 208687
c.c.	My Ref	: FM
For the attention of: Licensing	Your Ref	:
	Date	:

**Subject: Application for Variation to Premises Licence—
Licensing Act 2003**

**Premises Name: Maja Polish Shop
Address: 37/39 Market Street, Torquay**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
 - i) Prevention of crime and disorder
 - ii) Protection of children from harm
 - iii) Public safety
 - iv) Prevention of nuisance

because:- (please list those aspects of the application or variation that give you reason for concern and why you have these concerns).

Children's Services would like to see the introduction of the Challenge 25 scheme, to replace the existing Challenge 21 scheme.

Signed: *FH McNiven*

Date: 27/11/17