



Devon & Cornwall Police

Building safer communities together

Licensing Team
Torbay Council
C/O Torquay Town Hall
Castle Circus
TORQUAY
TQ1 3DR

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

Telephone: 01803 218900

29 October 2014

Dear Sir/Madam

The Polish Shop, 9 Market Street, Torquay, Devon, TQ1 3AF

I refer to an application to Vary the Designated Premises Supervisor in respect of the above named premises, submitted by the applicants, Mr Puzelko and Mr Kaczmarcyk.

For your information, the Polish Shop currently has the benefit of Premises Licence Number PL0136 which was issued by Torbay Council on 4 December 2013.

This premise is situated within the Torbay Council Special Saturation Policy (Cumulative Impact Area) which has been identified as being subject to high levels of crime and disorder and public nuisance and it is also situated within the Torquay Designated Public Place Order.

This application has been submitted as a result of a visit to the premise on Thursday 25 September 2014 by my Police Licensing Officer, Mrs Julie Smart, and Mrs Karen Ellicott, Licensing Enforcement Officer of Torbay Council, in order that they could carry out a routine inspection. At that time they established that several types of lager/cider/beer with an abv of 5.5% or more were available for sale in breach of a condition contained on the premises licence. Whilst some of these bottles and cans indicated that they were 'premium' products, many others did not. It was further identified that the tills in use in the premise did not have a prompt system in respect of age related products as is also required by a condition on the premise licence. The person believed at that time to be the DPS, Mr Kaczmarcyk, was not present but Mrs Smart subsequently met with him on 1 October 2014. At that time Mr Kaczmarcyk

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stated that he was not aware of the conditions of the premises licence despite the licence having been granted to him on 4 December 2013 in line with an agreement between the police, Mr Kaczmarczyk, Mr Puzelko and their solicitor, Mr Graham Gover, regarding the inclusion of these conditions on the licence.

On 7 October 2014 the attached letters were sent to Mr Puzelko and Mr Kaczmarczyk.

However following the sending of these letters it was established that due to some technical difficulties an application to nominate a Joanna Gottfried as the DPS, received by Torbay Council on 22 October 2013, was not shown on the Public Register. Mrs Smart raised this matter with Mrs Ellicott of Torbay Council who in turn liaised with the Mr Gover in order to rectify this matter.

Mr Kaczmarczyk has now been nominated as DPS but it is apparent from the attached email from his solicitor, Mr Graham Gover, that he is also the DPS at a premise known as Pawalek Polish Shop in Exeter.

As the Polish Shop is situated within the CIA, the police consider it appropriate to ensure that the DPS of a premise within this area is actively involved in the day to day management and control of the premises, on a 'hands on' basis, and is focused solely on the issues around the management of the premise, to ensure that the premise is run in accordance with the licence and in a way that promotes the licensing objectives.

Furthermore as highlighted within my letters to the Premises Licence Holders on 7 October 2014, Mr Kaczmarczyk clearly had little or no knowledge of the requirements of the premises licence when discussing the matter with Mrs Smart on 1 October 2014, and this is unacceptable for any premise situated within the CIA.

The police therefore invite the Licensing Authority to refuse this application.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully



Superintendent G Mayhew
LPA Commander



Devon & Cornwall Police

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Mr K L Kaczmarczyk
Designated Premises Supervisor
The Polish Shop
9 Market Street
TORQUAY
TQ1 3AF

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

Telephone: 01803 218900

07 October 2014

Dear Sir

The Polish Shop, 9 Market Street, Torquay, Devon, TQ1 3AF

I write to you in your capacity of Designated Premises Supervisor and Premises Licence Holder of the above named premise, which has the benefit of Premises Licence Number PL1036 issued by Torbay Council.

At about midday on Thursday 25 September 2014 my Police Licensing Officer, Mrs Julie smart, attended your premise in the company of Mrs Karen Ellicott, Licensing Enforcement Officer of Torbay Council, in order to carry out a licensing inspection.

During the course of this inspection they established that your premise had large quantities of bottles/cans of lager/cider/beer with an abv of 5.5% and above available for sale. This was pointed out to staff who, on the advice of Mrs Smart and Mrs Ellicott, removed these products from your shelves.

It was further established that the tills operating at your premises do not have a prompt when age-related products are scanned.

I would remind you of two conditions contained with your premises licence:

- 1. No super strength beers, lager or ciders of 5.5% abv or above shall be sold other than premium beers, lagers or ciders.*
- 2. The store shall operate a scanning till with a prompt when age-related products are offered for sale.*

I would remind you that failure to comply with the terms and conditions of a premises

julie.smart@devonandcornwall.pnn.police.uk

licence constitutes an offender under Section 136 of the Licensing Act 2003, and that 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.

Mrs Smart has informed me that she met with you at the premises at 9.00 am on Wednesday 1 October 2014 and discussed the above matters with you. Mrs Smart advised you that your premises are permitted to sell premium brands of beer, lager and cider with an abv of 5.5% or greater but the word 'premium' should be clearly stated on the label. She also advised you that your tills should have a prompt when any age-related product is scanned requiring staff to request an approved form of ID.

At that time you stated that you were not aware of the two conditions on the licence and it is therefore apparent that your premises may have been operating in breach of these conditions since the licence was granted to yourself in December 2013. I therefore request that you take immediate action to ensure that your premises fully comply with the licence requirements at all times.

Mrs Smart has also informed me that you will now consider applying for a variation to remove the condition regarding high strength beer, lager and cider from your licence. I would remind you that your premises are situated within the Torbay Council Cumulative Impact Area, which has been identified by the police as being subject to high levels of alcohol related crime. In addition, it is currently one of four premises within Torquay town centre that have similar restrictions on the sale of certain high strength alcohol products. Therefore, should such a variation application be submitted the police will object to the application. For further information on this matter, please refer to the Torbay Council Licensing Statement of Principles 2011, which is available from Torbay Council or on their website www.torbay.gov.uk.

As Designated Premises Supervisor and Premises Licence Holder I would remind you that it is your responsibility to ensure that your premises are run in accordance with the conditions on your premises, in a manner that promotes the licensing objectives and within the confines of the law at all times.

I must advise you that your premises will be monitored by my officers and should any further concerns come to my attention I will 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 forwarded to the Torbay Council Licensing Team for their information.

Should you wish to discuss this matter further, please contact Mrs Smart on 01803 218900.

Yours faithfully

A handwritten signature in black ink, appearing to be 'G Mayhew', with a horizontal line extending to the right.

G Mayhew – Superintendent
LPA Commander – South Devon





Devon & Cornwall Police

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Mr P Puzelko
11 Brownlow Street
PLYMOUTH
PL1 3RN

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

Telephone: 01803 218900

07 October 2014

Dear Sir

The Polish Shop, 9 Market Street, Torquay, Devon, TQ1 3AF

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During the course of this inspection they established that your premise had large quantities of bottles/cans of lager/cider/beer with an abv of 5.5% and above available for sale. This was pointed out to staff who, on the advice of Mrs Smart and Mrs Ellicott, removed these products from your shelves.

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I would remind you of two conditions contained with your premises licence:

- 1. No super strength beers, lager or ciders of 5.5% abv or above shall be sold other than premium beers, lagers or ciders.*
- 2. The store shall operate a scanning till with a prompt when age-related products are offered for sale.*

I would remind you that failure to comply with the terms and conditions of a premises licence constitutes an offender under Section 136 of the Licensing Act 2003, and that a

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www.devon-cornwall.police.uk



Partnership Standard

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.

Mrs Smart has informed me that she met with your Designated Premises Supervisor, Mr Kaczmarczyk, at the premises at 9.00 am on Wednesday 1 October 2014 and discussed the above matters with him. Mrs Smart advised him that your premises are permitted to sell premium brands of beer, lager and cider with an abv of 5.5% or greater but the word 'premium' should be clearly stated on the label. She also advised him that your tills should have a prompt when any age-related product is scanned requiring staff to request an approved form of ID.

At that time Mr Kaczmarczyk stated that he was not aware of the two conditions on the licence and it is therefore apparent that your premises may have been operating in breach of these conditions since the licence was granted to yourself in December 2013. I therefore request that you take immediate action to ensure that your premises fully comply with the licence requirements at all times.

Mrs Smart has also informed me that you will now consider applying for a variation to remove the condition regarding high strength beer, lager and cider from your licence. I would remind you that your premises are situated within the Torbay Council Cumulative Impact Area, which has been identified by the police as being subject to high levels of alcohol related crime. In addition, it is currently one of four premises within Torquay town centre that have similar restrictions on the sale of certain high strength alcohol products. Therefore, should such a variation application be submitted the police will object to the application. For further information on this matter, please refer to the Torbay Council Licensing Statement of Principles 2011, which is available from Torbay Council or on their website www.torbay.gov.uk.

As Premises Licence Holder I would remind you that it is your responsibility to ensure that your premises are run in accordance with the conditions on your premises, in a manner that promotes the licensing objectives and within the confines of the law at all times.

I must advise you that your premises will be monitored by my officers and should any further concerns come to my attention I will 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 forwarded to the Torbay Council Licensing Team for their information.

Should you wish to discuss this matter further, please contact Mrs Smart on 01803 218900.

Yours faithfully

A handwritten signature in black ink, appearing to be 'G Mayhew', with a horizontal line extending to the right.

G Mayhew – Superintendent
LPA Commander – South Devon




Force Licensing Team

 This Site: Force Licensing Tea



Force Licensing Team > Licensing Items > Polish Shop 9 Market Street Torquay

Licensing Items: Polish Shop 9 Market Street Torquay

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Item Type	Other
Prem Name	Polish Shop 9 Market Street Torquay
Date Rec'd	13/09/2013
Date Due	
Event Start Date	
Event End Date	
Submitting Officer	
Applicant Surname	Gover
Applicant First Name	Graham
Prem Street	9 Market Street
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	
Premises risk rating	Low
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	Please tel Agent Graham Gover acting on behalf of his client's who are Polish on 01392 423090. They would like advice on a New Premises Licence. They already have 4 premises and says experienced.
Comments	<p>DART Robin 54544 (04/10/2013 10:39): edit address to show new name of premises.</p> <p>SMART Julie 50403 (26/09/2013 11:17): 25/09/13 - Telephone discussion with Mr Gover re proposed application. He stated his clients currently have an off licence in Exeter, Exmouth and Taunton and are very experienced in the licensed trade. They propose to open a convenience store aimed primarily at the Polish community. He has made applicants aware that premises are within the CIA. I discussed the issue of street drinkers and recent licences issued to Savers and Morrisons. Mr Gover stated that he was aware of the Morrisons application and we ran through the conditions contained within the licence. He stated that his clients were also aware of these conditions and had indicated that they would be acceptable to them. In view of this I informed Mr Gover that providing his proposed application contains all the conditions we discussed, the police would not object to the application.</p> <p>SMART Julie 50403 (23/09/2013 13:09): 23/09/13 - Telephone message left for Mr Gover to ring me back. Mr Gover's mobile number is 07799 067709.</p>

DART Robin 54544 (13/09/2013 11:10):

Visit tasked NO

Status COMPLETE

LA Time Taken 3

LO Time Taken 60

Item Briefed

Representation/Objection

Hearing

Version: 4.0

Created at 13/09/2013 11:10 by DART Robin 54544

Last modified at 04/10/2013 10:39 by DART Robin 54544

SMART Julie 50403

From: Graham Gover [graham@grahamgover.co.uk]
Sent: 17 October 2013 10:23
To: SMART Julie 50403; Licensing East
Cc: carrie.carter@torquay.gov.uk
Subject: The Polish Shop, 9 Market Street, Torquay
Attachments: consent DPS joanna gottfried.pdf; ATT00001.htm

Categories: Purple Category

Dear Julie,

I received your telephone message from last week in which you raised your concerns about the proposed DPS being responsible for these premises, as well as Exeter and Exmouth.

The alternative proposal is to have Joanna Ewa Gottfried as the DPS, who will serve in that capacity exclusively in Torquay. She was the DPS at Cowick Street, Exeter. I have attached her consent form, and her phone number is 07523 629535 if you need to contact her.

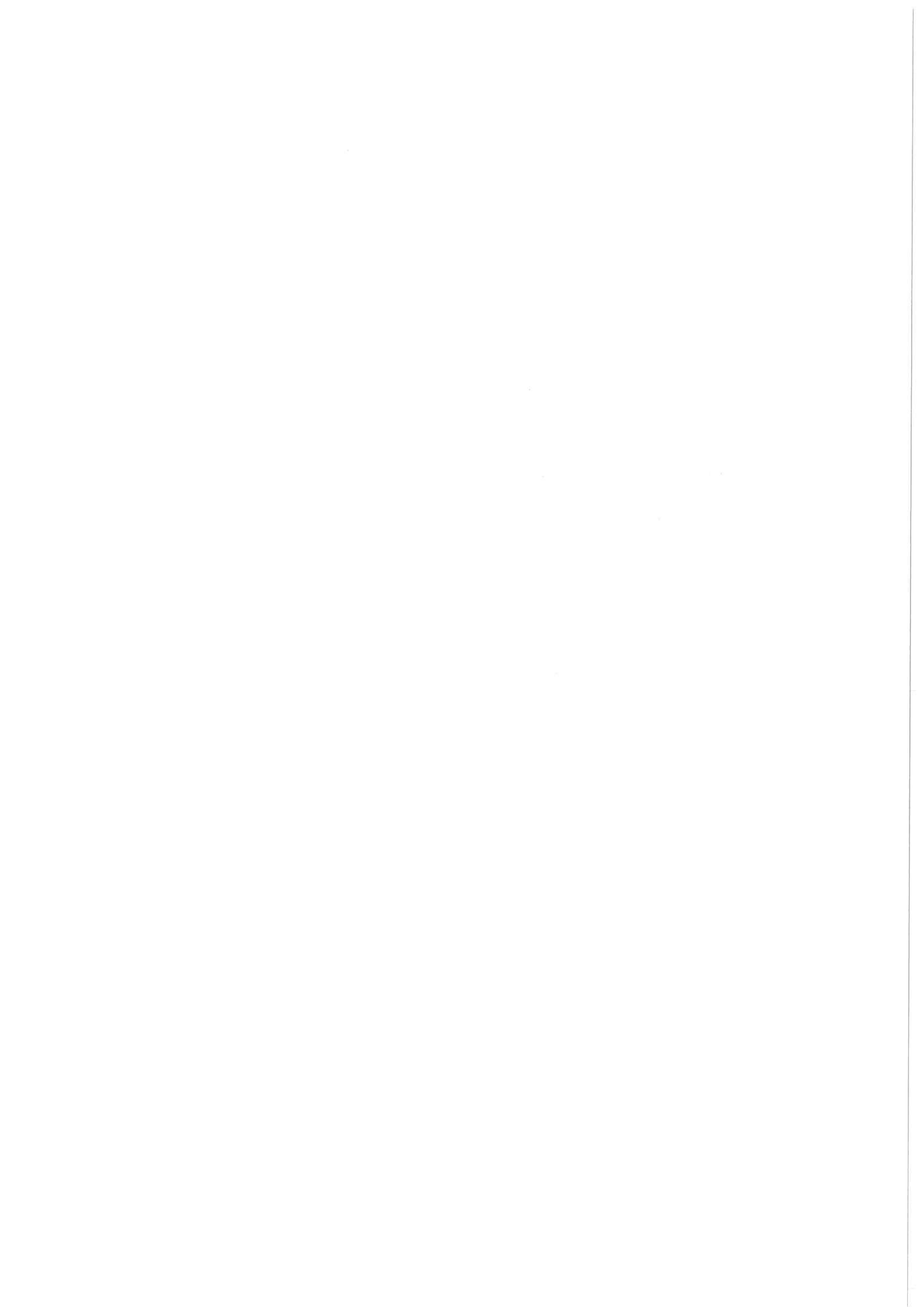
I trust that this arrangement is acceptable to you.

Regards,

Graham Gover Solicitor LARTPI
10 Southernhay West Exeter EX1 1JG
TEL 01392 423090 | MOB 07799 067709 | WEB grahamgover.co.uk

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Graham Gover Ltd Registered office as above Registered in England 8008005 Director: Graham Gover



SMART Julie 50403

From: SMART Julie 50403
Sent: 21 October 2013 10:24
To: 'Graham Gover'; Carter, Carrie
Subject: RE: The Polish Shop, 9 Market Street, Torquay NOT PROTECTIVELY MARKED

Graham

Thanks for your email. I am pleased to confirm that now the part of the application that nominates Mr Kaczmarczyk as DPS has been withdrawn, the police will not be making representation in respect of your application for the Grant of a Premises Licence.

Your new application for Ms Gottfried to be appointed as DPS will be processed by the Licensing Hub at Headquarters in due course. If this application fails to meet the Hub's criteria, I shall of course notify you as soon as possible, but I do not anticipate any problems with this.

Regards

Julie Smart
Torbay Police Licensing Officer
Tel: 01803 218900

[Click on this to see all TENS in your area](#)

From 24 October 2011 Licensing Teams will be working within a new structure, please note our new contact details for all applications, correspondence and administrative functions:

Licensing Department (East), Devon and Cornwall Police HQ, Middlemoor, Exeter, Devon EX2 7HQ

Tel: 01392 452225

Fax: 01392 452447

Email: licensingeast@devonandcornwall.pnn.police.uk

From: Graham Gover [<mailto:graham@grahamgover.co.uk>]
Sent: 18 October 2013 13:47
To: Carter, Carrie
Cc: SMART Julie 50403
Subject: RE: The Polish Shop, 9 Market Street, Torquay

Dear Carrie,

Thank you for your email and I have attached the application to vary the licence as to DPS, in readiness for the time when the premises licence is considered and granted.

I therefore withdraw that part of the premises licence application that seeks Krzysztof Lukasz Kaczmarczyk to be the DPS.

I have sent a copy of the application to the police via this email, and I am posting the cheque for £23 this evening.

Regards,

Graham Gover Solicitor LARTPI

10 Southernhay West Exeter EX1 1JG

TEL 01392 423090 | MOB 07799 067709 | WEB grahamgover.co.uk

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SMART Julie 50403

From: Rackley, Shaun [Shaun.Rackley@torbay.gcsx.gov.uk]
Sent: 22 October 2014 09:20
To: SMART Julie 50403
Subject: RE: UNCLASSIFIED: The Polish Shop, 9 Market Street, Torquay RESTRICTED

Hello,

Joanne was meant to be the DPS but we never processed it on Lalpac.

Graham Gover has submitted a vary DPS application to name Kryztof (hopefully spelt correct) as the DPS. Brad processed this, so he should have copied you into this.

Cheers

Shaun

Shaun Rackley
Licensing Enforcement Officer
Torbay Council,
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel:-01803 208025
Fax:-01803 208854

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Food Safety and Licensing
@TorbayFSL

TORBAY
COUNCIL

Community Safety
Tel: 01803 208025 www.torbay.gov.uk/licensing

From: Julie.SMART@devonandcornwall.pnn.police.uk [mailto:Julie.SMART@devonandcornwall.pnn.police.uk]
Sent: 21 October 2014 14:09
To: Ellicott, Karen; Rackley, Shaun
Subject: FW: UNCLASSIFIED: The Polish Shop, 9 Market Street, Torquay RESTRICTED

Karen/Shaun

Please can you provide me with an update re the below. Who is actually the DPS at this premise? I think it should be Joanne but from the below I'm not certain that she is actually at the premise. Have you received any further communication from Graham Gover as I haven't heard from him.

I am in the process of trying to write our objection but this is proving difficult due to the above issue.

Regards

Julie

From: Ellicott, Karen [<mailto:karen.ellicott@torbay.gcsx.gov.uk>]
Sent: 10 October 2014 16:39
To: 'Graham Gover'
Cc: SMART Julie 50403; Rackley, Shaun
Subject: RE: UNCLASSIFIED: The Polish Shop, 9 Market Street, Torquay

Hi Graham,

I think you may need to speak to Julie Smart as it was the Police who were not happy with Kris being the DPS at Exeter, Exmouth and Torbay.

However, as the Vary DPS was granted for Joanne, that process will have to be completed on our system. If Joanne is no longer at the premises or Julie agrees to Kris now becoming the DPS, another application will be required.

I am on leave from today but my colleague, Shaun Rackley, is aware of the situation.

Kind regards

Karen

Karen Ellicott
Licensing Enforcement Officer, Licensing & Public Protection Team, c/o Town Hall, Castle Circus, Torquay TQ1 3DR
Tel: 01803 208025
Email: karen.ellicott@torbay.co.uk

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Food Safety and Licensing
@TorbayFSL

TORBAY
COUNCIL

Community Safety
Tel: 01803 208025 www.torbay.gov.uk/licensing

From: Graham Gover [<mailto:graham@grahamgover.co.uk>]
Sent: 10 October 2014 11:48
To: Ellicott, Karen
Subject: Re: UNCLASSIFIED: The Polish Shop, 9 Market Street, Torquay

Karen,

I have now spoken with Kris, and he is no longer involved with the Exmouth licence (for the last eight months), just Exeter as DPS and Torquay which he co-owns. Is that OK to keep him on the Torquay licence?

Regards,

Graham Gover Solicitor LARTPI
10 Southernhay West Exeter EX1 1JG
TEL 01392 423090 | MOB 07799 067709 | WEB grahamgover.co.uk

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Graham Gover Ltd Registered office as above Registered in England 8008005 Director: Graham Gover

On 10 Oct 2014, at 10:05, Ellicott, Karen <karen.ellicott@torbay.gcsx.gov.uk> wrote:

Hi Graham,

It was good to speak to you. If you would like to drop me an email I will call you back.

Kind regards

Karen

Karen Ellicott
Licensing Enforcement Officer, Licensing & Public Protection Team, c/o Town Hall, Castle Circus, Torquay
TQ1 3DR
Tel: 01803 208025
Email: karen.ellicott@torbay.co.uk

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<image001.jpg>

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101 - The new non emergency number for Devon and Cornwall Police

Textphone 18001 101 for the deaf, hard of hearing or speech impaired
Always call 999 in an emergency

Devon and Cornwall Police aims to serve the communities of Devon and Cornwall and help inspire greater confidence in the Police. For more information please visit our website at www.devon-cornwall.police.uk

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