

Appendix 1

[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 6084 Kirsty Gatehouse on behalf the Chief Officer of Dorset Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Polish Delicatessen (now known as Weymouth Market) 9 King Street	
Post town Weymouth	Post code (if known) DT4 7BJ

Name of premises licence holder or club holding club premises certificate (if known) Ranya D Ltd
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Number of premises licence or club premises certificate (if known) WPPL0169

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)

██████████

E-mail address (optional)

██

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

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

Please tick one or more boxes ✓

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

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

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

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

This application for a review of the premises licence for Polish Delicatessen (now trading as Weymouth Market), 9 King Street, Weymouth, is being submitted by Dorset Police on the grounds of the licensing objective of the Prevention of Crime & Disorder.

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

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

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

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

Having worked with partners and the community to develop intelligence, an operation was conducted with HMRC and Dorset Council Trading Standards to identify and tackle premises that are involved in the sale of illicit alcohol and tobacco. On 4th November 2021, 347 packs of cigarettes and 22 packs of hand rolling tobacco were seized following their discovery in cupboards hidden in the walls. These were identified only by using one of HMRC's specially trained search dogs who made their handler aware. Without the indication from the dog, it is unlikely that these storage areas would have been discovered.

Following community intelligence around the possible sale of cigarettes and vapes to underage children, Officers from Dorset Police and Dorset Council Trading Standards attended Polish Delicatessen on Tuesday 11th October 2022 and soon discovered a quantity of cigarettes that had not been subject of UK duty. This totalled 302 packs of cigarettes and 11 packs of hand rolling tobacco. Several hundred vapes were also seized as they had over 600 "puffs" per vape which is therefore above the legal limit, along with 8 large nitrous oxide cannisters. Although of food grade, this is not a premises involved in the sale of food that would require the use of these cannisters, so it is believed this was being sold for recreational purposes rather than its intended use.

Test purchases were conducted by Trading Standards and HMRC in February 2023 and the shop failed on both occasions. This prompted another visit by Dorset Police and Trading Standards which was conducted on 21st February 2023. Following a search of the premises, we located and seized: 12,500 packs of cigarettes, 100 kg of hand rolling tobacco, 1,048 vapes (of over 600 puffs per vape, therefore above the legal limit) and 19 boxes of nitrous oxide cannisters.

This is believed to be one of the biggest seizures Dorset Council Trading Standards have ever made of cigarettes and hand rolling tobacco.

The Premises Licence is currently suspended both from not having a DPS appointed and also through non-payment of annual fees. This Licence could, however, currently be reinstated quite quickly if chosen to simply by paying the outstanding amounts and proposing a new DPS.

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

The Guidance further envisages at section 11.28 that '*Police...and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime*' and that '*where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered*'. Dorset Police do not consider that a change of DPS would suffice.

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

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

Please tick ✓ yes

☐

If yes please state the date of that application

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

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

[Redacted Signature]

Date 6th March 2023

Capacity **Police Licensing Officer**

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.