

# Application to Review Premises Licence Report

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## Polish Delicatessen (now known as Weymouth Market) – WPPL0169

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

### Background

This premises is a convenience store located at 9 King Street, Weymouth. This area is one of the main transport hubs for the town and includes the train station alongside a mixture of residential and commercial premises. It is also a short walk from the seafront and is one of the busiest areas of Weymouth for both traffic and pedestrians. Whilst the licence is in the name of Polish Delicatessen, the name of the store according to the signage is now Weymouth Market.

The Premises Licence permits the sale of alcohol from 0900-2100hrs Monday-Saturday and 1000-1600hrs Sunday. However, there has been no DPS at the premises since August 2021. The Licence has also been suspended through non-payment since August 2021.

Having worked with partners and the community to develop intelligence, multiple operations have been conducted with HMRC and Dorset Council Trading Standards and the results of those visits and the amounts seized have already been detailed in the initial application to review this Licence. Over these three visits, a disproportionate amount of illicit tobacco has been found in this one premises compared to any other premises in Weymouth.

Even since these visits and large seizures, intelligence is still being received that indicates this kind of activity is still continuing. One informant even said that the day after the most recent and largest confiscation in February, similar cigarettes and tobacco were once again being sold.

### Concerns

On each visit to the Premises, someone different has been in charge. Since changing its name to "Weymouth Market" in November 2022, the shop has been altered both in layout and stock offered. A large section of the shop has been separated by a false wall with access only through a disguised door within the shelves. The rear area still features the hidden compartments in the walls where items had been located on the first visit with HMRC. They are built into the walls and secured by what is believed to be some sort of electromagnet as the power has to be turned off in order to access them (because no member of staff has been forthcoming in how else they are accessed).

On the shop floor there is also a large amount of drug paraphernalia for sale. There are assorted shisha pipes alongside bongs, crack pipes, grinders and other items associated with drug taking. They also sell a lot of items linked to the sale of drugs such as small snap bags, scales capable of measuring out very small amounts and cheap sim cards, almost like a "one stop shop" for drug takers and dealers. Alongside the paraphernalia are a selection of cannabis edibles. Of the items looked at, they appear to



be within the legal limits of THC within a product. All of these things outnumber the “regular” goods also in stock, such as drinks, snacks and household products.

On each visit, knowledge of the cigarettes and tobacco has been denied. The managers spoken to on the visits in both 2022 and 2023 both said they had only been at the shop for a week/10 days prior to our attendance and had moved to Weymouth from out of the area. They could not say what was attracting them to a small seaside town from the city, English has not been their first language and a language barrier has been evident. The people we have spoken to have been young Middle Eastern males who seem like they have been put in the shop as a “fall guy” working for someone higher up the chain. The quantities found, especially on the most recent visit, are not just for sale from one little convenience shop.

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

Although the Premises Licence enabling them to sell alcohol is currently suspended, it is still a concern to Dorset Police that this suspension could be lifted simply by reinstating a DPS and paying the outstanding fees. With the disregard for responsible retailing that we are seeing from the Premises with regards to the cigarettes and tobacco, we would not like to see this opportunity being extended to alcohol as well by the Premises Licence remaining potentially in place.

### **Summary**

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

### **Available Outcomes of the Review**

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

#### **No Action Taken**

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

#### **Exclude Licensable Activities from the Licence**

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

#### **Modify / Add Conditions**

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

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

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

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

### **Remove DPS**

There is currently no DPS at the Premises to be removed. Our concern is that the addition of a DPS would again enable the sale of alcohol on top of the existing products for sale. Dorset Police anticipate that any change in DPS would likely have a limited impact as any new DPS could be receiving direction and instruction from the current owner of the premises, who has failed to promote the licensing objectives and have been responsible for encouraging the importing of illicit tobacco to this premises.

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

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

The Premises Licence is currently already suspended through non-payment of annual fees. Therefore, a suspension would not achieve anything at the current time. It is unknown how long this activity has been taking place and how much illicit product has been sold through this premises.

### **Revoke the Licence**

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

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

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

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

The Guidance further envisages at section 11.28 that '*Police...and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime*' and that '*where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered*'.

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

### **Conclusion**

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

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