

**ASHFIELD DISTRICT COUNCIL**



**Ashfield**

Council Offices,  
Urban Road,  
Kirkby in Ashfield  
Nottingham  
NG17 8DA

## Agenda

### Licensing Sub Committee

Date: **Tuesday, 12th July, 2016**

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Time: **10.00 am**

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Venue: **Council Chamber, Council Offices, Urban Road,  
Kirkby-in-Ashfield**

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For any further information please contact:

**Alan Maher, Democracy Team Leader**

01623 457318

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# **LICENSING SUB COMMITTEE**

## **Membership**

**Chairman:** Councillor Mike Smith

**Councillors:**

Paul Roberts Robert Sears-Piccavey

## **FILMING/AUDIO RECORDING NOTICE**

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Democratic Services on 01623 457318.

## **SUMMONS**

You are hereby requested to attend a meeting of the Licensing Sub Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



**R. Mitchell**  
**Chief Executive**

## **AGENDA**

**Page**

- 1. Apologies for Absence**
- 2. Declarations of Disclosable Pecuniary and non-Disclosable Pecuniary / Other Interests**
- 3. Procedure for the Hearing** 5 - 6
- 4. Hearing for Application of Review to Premises Licence, Mini Market Polo, 25(A) Mansfield Road, Sutton in Ashfield, Nottinghamshire, NG17 4EL** 7 - 52

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## PROCEDURE TO BE FOLLOWED AT CONTESTED HEARINGS (REVIEWS)

In relation to:

**(a) Reviews of Premises Licences (s51 & s165)**

**(b) Reviews of Club Certificates (s87)**

1. The Chairman will introduce himself, other members and officers.
2. The Chair will also ask the Applicant, the Respondent and any other Interested Parties and / Responsible Authorities to introduce themselves, and any witnesses they wish to call.
3. The Chair/relevant officer will explain to the parties the procedure to be followed (see points 4-10 inclusive).
4. The proceedings will commence with the Licensing Officer outlining the reason(s) for the hearing.
5. The Applicant will be asked to present their case. The order for asking questions at the end of the Applicant's presentation will be:
  - Responsible Authorities;
  - Interested Parties;
  - Members of the Sub Committee, either on their own behalf or through the Legal Adviser;
  - The Respondent.
6. Where witnesses are called each witness will give their evidence and then be open to questioning in the order as above.
7. Other parties, i.e. Responsible Authorities and Interested Parties, if applicable, and in that order, will then be given an opportunity to present their representations.
8. Once the representations have been presented and any evidence given, there will be an opportunity for questions to be asked by:
  - Responsible Authorities to each other (only exceptionally if needed for clarification);
  - Interested Parties;
  - The Applicant;
  - Members of the Sub-Committee, either on their own or through the Legal Adviser;
  - The Respondent.
- 8.1 The respondent will then be given an opportunity to present its case.
9. Once all evidence has been presented the Responsible Authorities and Interested Parties, if applicable, will have the opportunity to sum up their representations in the same order as they presented their case. No new evidence may be presented at this point.

- 9.1 The Respondent will sum up their case. No new evidence may be presented at this point.
10. Finally the Applicant(s) will sum up their case. Again no new evidence may be presented.
11. The Chair will enquire if all parties have said everything that they wish to and ask if there are any legal matters that need to be clarified. The Sub-Committee will then withdraw to deliberate in private, and will be accompanied by the Legal Adviser. The decision shall be arrived at by the Sub-Committee alone.
12. In most cases the Sub-Committee will make its determination at the conclusion of the hearing, and the pronouncement of that determination shall be made in public. This will subsequently be notified in writing with the reasons in accordance with the Regulations.
13. Where the Sub-Committee is not required to make its decision at the conclusion of the hearing, and it chooses not to do so, it will make a decision within 5 working days of the last day of the hearing, and will notify that decision without unreasonable delay.

*N.B: There are now only two instances where a decision is required at the conclusion of the hearing; firstly a counter notice in relation to a Temporary Event Notice (s105), and secondly a review following a closure order (s167). In all other cases the Sub-Committee has up to 5 working days to reach its decision, but for practical purposes it will generally be made immediately following the hearing.*



- 5.6. Section 51 of the 2003 Act, allows responsible authorities, to make an application to review an existing premises licence.
- 5.7 Nottinghamshire County Council Trading Standards on 20<sup>th</sup> May 2016 made an application to review the premises licence number PR/1313 for Mini Market Polo, 25a Mansfield road, Sutton in Ashfield, Nottinghamshire
- 5.8 Following this application the Licensing Authority (the Council) must place a notice in the specified format on or near the reviewed premises, this notice must be legible by the public for a period of 28 consecutive days. The Council must also place a notice on its web site advertising the review application.
- 5.9 A notice was placed on the premises on the glass facing outwards towards the street adjacent to the main entrance and also on a lamp post sited on the street outside of the premises. Also the notice was published on the Councils web pages.
- 5.10 During the 28 day representation period the Licensing Team received no other representations.
- 5.11 Members must make an unbiased decision on the evidence heard at the hearing. Members must also take in to account the Home Office section 182 Guidance and the Councils Licensing Policy.

## **6.0 IMPLICATIONS**

### **Corporate Plan:**

Licensing Act 2003 is a statutory duty of the Council.

Ensuring that Premises and Clubs operate in accordance to the Licensing Act 2003, having regard to the Council's policy on alcohol licensing, will contribute towards the reduction of crime and disorder within the district and to improve community safety and environmental quality.

Also to ensure that the four Licensing Objectives are promoted and complied with at all times.

### **Legal:**

Legal advice will be given at the hearing

### **Financial:**

Information Only

No financial implications for the Council.

### **Health and Well-Being / Environmental Management and Sustainability:**

Information Only



**Human Resources:**

Information Only

There are no direct HR implications contained within this report

**Diversity/Equality:**

Information Only

Statutory requirement of the Licensing Act 2003, there no diversity or equality implications

**Community Safety:**

Information only

Statutory requirement of Licensing Act 2003. Community Safety implications will be considered at the hearing within the Licensing Objectives and Home Office guidance.

**Other Implications:**

None

**REASON(S) FOR URGENCY (if applicable)**

Not applicable

**BACKGROUND PAPERS**

None

**REPORT AUTHOR AND CONTACT OFFICER**

Peter Barrow – Licensing Policy Officer

01623 457364

[p.barrow@ashfield-dc.gov.uk](mailto:p.barrow@ashfield-dc.gov.uk)

**Edd de Coverly**

**Service Director - Environment**

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**THE LICENSING ACT 2003**  
**THE LICENSING OBJECTIVES**  
**REVIEWS**

The Licensing Authority **MUST** carry out its function so as to promote the four Licensing Objectives, namely:-

1. The prevention of crime and disorder;
2. Public safety;
3. Prevention of public nuisance;
4. The protection of children from harm.

Each of the Licensing Objectives must be given equal weight, these objectives are:-

- a. The **ONLY** matters which are relevant to an application for a licence;
- b. The **ONLY** grounds upon which relevant representations to an application can be made;
- c. The **ONLY** grounds on which an application can be refused or on which conditions can be imposed on a licence.

**OPTIONS**

The Licensing Authority has the following options in cases where relevant representations have been made:-

- i. No action;
- ii. Exclude from the Licence any of the Licensable activities to which the application relates;
- iii. Modify conditions on the licence;
- iv. Refuse to specify a person in the Licence as the premises Supervisor;
- v. Suspend the Licence for a period of time determined by the members, but not more than 3 months.
- vi. Revoke the Licence.

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**APPLICATION FOR A REVIEW of PREMISES LICENCE**

<b>Name:</b>	Mini Market Polo
<b>Address:</b>	25a Mansfield Road Sutton In Ashfield Nottinghamshire NG17 4EL

<b>Representations in writing by:</b> Nottinghamshire County Council, Trading Standards	<b>Grounds:</b> Prevention of Crime and Disorder Public Safety
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This matter is being dealt with by:  
**Name: Margaret Statham**  
**Reference: M035552**  
**T 0115 8041147/01158 040293**  
**E margret.statham@nottscc.gov.uk**  
**W nottinghamshire.gov.uk**



Licensing Team  
Environment Directorate  
Ashfield District Council  
Urban Road  
Kirkby-in-Ashfield  
Nottingham NG17 8DA.

20<sup>th</sup> May, 2016

Dear Sirs,

**Re: Licensing Act 2003**  
**Application for Review of Licence**  
**Mini Market Polo, 25a Mansfield Road, Sutton in Ashfield, NG17 4EL**

Please find enclosed a copy of an application to review the premise licence for the above premises.

If you have any queries, please do not hesitate to contact me on 01158 040293

Yours faithfully,



Margaret Statham  
Trading Standards Officer  
Nottinghamshire County Council

County House, 100 Chesterfield Road South, Mansfield, NG19 7AQ

OFFICIAL: SENSITIVE WHEN COMPLETE

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**Mini Market Polo**  
25A Mansfield Road, Sutton in Ashfield, Nottinghamshire, NG17 4EL

**Documents in Support of Licence Review**

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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 Nicola Schofield

(Insert name of applicant)

apply for the review of a premises licence under section 51 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 Mini Market Polo 25a Mansfield Road Sutton In Ashfield	
Post town Nottingham	Post code (if known) NG17 4EL
Name of premises licence holder or club holding club premises certificate (if known) Krzysztof Dziebowski	
Number of premises licence or club premises certificate (if known) PR/1313	

Part 2 - Applicant details

I am

- 1) an interested party (please complete (A) or (B) below) Please tick yes
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises

- 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**

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**

<b>Name and address</b> Trading Standards and Community Safety, Adult Social Care and Public Protection, Nottinghamshire County Council, County House, 100 Chesterfield Road South, Mansfield, NG19 7AQ.
<b>Telephone number (if any)</b> 01623 452005
<b>E-mail address (optional)</b> trading.standards@nottscc.gov.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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

**Please state the ground(s) for review (please read guidance note 1)**

Intelligence received suggested that the shop was retailing illicit and unsafe cigarettes. An inspection of the premises recovered significant quantities of illicit tobacco.

The sale of duty evaded and unsafe tobacco breaches the licensing objectives of prevention of crime and disorder and public safety.

**Please provide as much information as possible to support the application (please read guidance note 2)**

Nottinghamshire County Council Trading Standards Service is a responsible authority under the Licensing Act 2003.

The Trading Standards Service has a statutory duty to enforce certain legislation as follows:

- Sections 4 to 10 of the Tobacco products (Manufacture, Presentation and Sale)(Safety) Regulations 2002 in relation to the tar, nicotine and carbon monoxide yields; warnings on tobacco products and the product identification markings. A complex range of factors contribute to encouraging people to smoke, particularly young people. However, research has shown that two reasons for the prevalence of smoking amongst young people are a common belief that the health effects of smoking are long-term and irrelevant to them and a lack of awareness of the addictive nature of nicotine. The health warnings under these regulations are intended to redress this.
- BS EN 16156:2010 Cigarettes assessment of the ignition propensity. Safety requirements by virtue of the General Product Safety Regulations 2005. Genuine cigarettes have a safety feature which means they extinguish if they are left unattended, counterfeit cigarettes do not have this feature.
- Section 7A of The Tobacco Advertising and Promotion Act 2002. The primary focus of this Act is on protecting children and young people from the health harms of smoking through the removal of displays of tobacco in retail premises. A consequential benefit of the policy is to create a more supportive environment for adults who are trying to quit smoking.

Smoking is known to be a major health issue, illicit cigarettes have no health warnings on the packets; can cause fire hazards where they do not comply with the extinguishing requirements; and cheaper cigarettes undermine the government's pricing strategy which has been shown to reduce the number of people who smoke.

The most recent available statistics (2013/14) for house fires show that the largest share of deaths in accidental dwelling fires was caused by smokers' materials (including cigarettes, cigars or pipe tobacco but not including lighting implements such as matches and lighters) and more than a third of fire deaths in non-domestic buildings were caused by smokers' materials or cigarette lighters. The good news is that since 2001/02 fires where the source of ignition was smokers' materials has declined by 41%. This is, at least in part, due to the safety feature now incorporated in genuine cigarettes.

The sequence of events in relation to this premises are:

On Wednesday 25 February 2016, intelligence was received by the service concerning the sale of illicit tobacco from the shop. The shop was being run by Mariola Stanszewska, wife of the shop owner. Officers conducted an inspection of the premises and a significant quantity of illicit tobacco was recovered from a leather bag (280 cigarettes) in a storeroom and hidden in a box in another store, annexed to the shop (900 cigarettes). Before starting the inspection, the shop owner's wife was asked if any illicit cigarettes were on site, and told that the detection dog was likely to find anything hidden. She admitted that some were in the storeroom at the back of the shop, but failed to disclose that there were more hidden in the annexed store. After the cigarettes were found, Mariola Stanszewska was told that officers wished to inspect her residential address. She was asked if any more illicit tobacco would be found at that address. she replied that there may be a small quantity. Officers

recovered 7180 cigarettes in a large box. All of the packs do not carry the prescribed warnings for legitimate retail in the UK and are of the type known to be unsafe, in that they do not self extinguish if left lit and unattended.

The failure to incorporate this safety feature into this type of product has been linked to house fires and specifically the death of 71 year old June Buffham, who was killed when the illicit cigarette she was smoking ignited her home.

Although there is only one inspection of this premises, it should be noted that the quantity of illicit cigarettes found is very large. This is a cause of concern and shows a blatant disregard for the licensing objectives relating to the prevention of crime and disorder and public safety. As such, Trading Standards feel that it is appropriate for the licence to be revoked under these circumstances. Alternatively, we would suggest a suspension of the licence for a period of three months to break the cycle of criminality and the following conditions being imposed on the licence:

A tobacco policy, agreed with the Licensing Authority, is to be put in place by the Premises Licence Holder at the premises within 14 days of the decision. The policy to include:

1. All tobacco must be traceable, ie. the business would have to produce, immediately on demand, receipts for all tobacco in the shop.
2. Receipts for tobacco must be kept at the premises and retained for a period of two years from the date of purchase.
3. No illicit or illegal goods should be present or stored at the premises, either for sale, personal use or held for other persons.

**Please tick yes**

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

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to this premises please state what they were and when you made them**

N/A



- 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 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

..... *N. Schofield* .....

Date

..... *2015/16* .....

Capacity

..... *TEAM MANAGER. SANCTIONS + COMPLAINTS* .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
Nicola Schofield, Team Manager, Nottinghamshire County Council Trading Standards and Community Safety, County House, 100 Chesterfield Road South	
<b>Post town</b> Mansfield	<b>Post Code</b> NG19 7AQ
<b>Telephone number (if any)</b> 01623 452005	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) <a href="mailto:trading.standards@nottscc.gov.uk">trading.standards@nottscc.gov.uk</a>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



**ASHFIELD DISTRICT COUNCIL**

Licensing Team  
Council Offices  
Urban Road  
Kirkby-In-Ashfield  
Nottingham  
NG17 8DA  
01623 450000  
licensing@ashfield-dc.gov.uk



**Ashfield**

**PREMISES LICENCE NUMBER: PR/1313 (SUMMARY)**

Postal address of premises (or if none, Ordnance Survey map reference or description)

Mini Market Polo  
25A Mansfield Road  
Sutton In Ashfield  
Nottinghamshire  
NG17 4EL

Telephone Number

07809717898

Where the licence is limited, the dates

Not Applicable

Licensable Activities authorised by the Licence

Supply of Alcohol

Times the Licence authorises the carrying out of Licensable Activities

Supply of Alcohol

Monday – Sunday 08.00 – 22.00

Opening Hours of the Premises

Monday – Sunday 08.00 – 22.00

Where the Licence authorises supplies of Alcohol, whether these are on and/or off supplies

Supply of Alcohol OFF the premise

Name, (registered) address of holder of Premises Licence

Krzysztof Dzeleowski  
25A Mansfield Road  
Sutton In Ashfield  
Nottinghamshire  
NG17 4EL

Registered Number of holder (Company or charity number) where applicable

Not Applicable

Name of Designated Premises Supervisor where the Licence authorises for the supply of alcohol

Krzysztof Dzeleowski

State whether access to the premises by children is restricted or prohibited

Not Applicable

Granted this 21 day of November 2013

.....  
for Service Director, Environment





The Licensing Act 2003 (Premises Licence and Club Premises Certificates)  
Regulations 2005  
Schedule 12 – Part A

## PREMISES LICENCE

Premises Licence Number	PR/1313	
Address	Mini Market Polo 25A Mansfield Road Sutton In Ashfield Nottinghamshire	
Postcode	NG17 4EL	
Telephone Number	Not Known	
Where the Licence is time limited the dates	Not Applicable	
Licensable activities authorised by the Licence	Supply of Alcohol	
Times the Licence authorises the carrying out of the licensable activities	<u>Supply of Alcohol</u>	
Opening hours of the premises	Monday – Sunday	08.00 – 22.00
	Monday – Sunday	08.00 – 22.00
Where the Licence authorises supplies of alcohol whether these are on and/or off supplies	Supply of Alcohol OFF the premises	
Name (registered) address, telephone number and e-mail of the holder of the premises licence		
Registered number of holder (company/charity number) where applicable	Not Applicable	
Name, address and telephone number of the designated premises supervisor, where the Premises Licence authorises for the supply of alcohol		

**Personal licence number and  
issuing authority of personal  
licence held by the designated  
premises supervisor, where the  
Premises Licence authorises for  
the supply of alcohol**

**LN/000004459**

**SELBY DISTRICT COUNCIL**

**ANNEX 1**  
**Mandatory Conditions**

**SUPPLY OF ALCOHOL (Section 19)**

No supply of alcohol may be made under this licence -

- A. at a time when there is no designated premises supervisor in respect of it; or
- B. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol made under this premises licence must be made or authorised by a person who holds a personal licence.

**SCHEDULE Mandatory Licensing Conditions - 2010**

- 4.—(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.

**ANNEX 2**  
**Conditions consistent with the Operating Schedule**

- 1) An internal & external CCTV system with recording equipment shall be installed internally and externally and maintained at the premises and noted on the plan. All recorded images shall:

- Be of evidential quality in all lighting conditions; and
- Indicate the correct time and date; and
- Be retained for a period of at least 31 consecutive days

Sufficient staff must be trained to use the system, as recorded images must be made available for inspection and downloading immediately on responsible authority request.

All downloaded images must be provided in a format that is viewable without the need for specialist equipment and/or software

- 2) A Challenge 25 scheme shall operate at the premises. Any person who appears to be under 25 years of age shall not be allowed the sale or supply of alcohol unless they produce an acceptable form of photo identification (e.g. a passport, driving licence, PASS accredited card or Armed Forces ID.)
- 3) Challenge 25 posters will be displayed in prominent positions in the premises.
- 4) A bound and sequentially paginated refusals book shall be kept at the premises record all instances where admission or service is refused. Such records shall show:
- The basis for the refusal;
  - The person making the decision to refuse; and
  - The date and time of the refusal.
- Such records shall be retained at the Premises for at least 12 months, and shall be made available for inspection and copying by the Police, or other officer of a Responsible Authority, immediately upon request
- 5) A bound and sequentially paginated training book shall be kept to record staff training. This book shall be made available for inspection and copying by the Police and other officers of Responsible Authorities immediately upon request, and all such books shall be retained at the premises for at least 12 months.







**Mini Market Polo**





## **Trading Standards' Involvement with Illicit Tobacco**

Nottinghamshire County Council Trading Standards Authority is a responsible authority under the Licensing Act 2003.

The Trading Standards Service has a statutory duty to enforce certain legislation as follows:

- Section 92 of the Trade Marks Act 1994 in relation to the sale of counterfeit tobacco where Trade Marks have been copied and used without the permission of the Trade Mark Holder
- Sections 4 to 10 of the Tobacco Products (Manufacture, Presentation and Sale)(Safety) Regulations 2002 in relation to the tar, nicotine and carbon monoxide yields; warnings on tobacco products and product identification markings. A complex range of factors contribute to encouraging people to smoke, particularly young people. However, research has shown that two reasons for the prevalence of smoking amongst young people are a common belief that the health effects of smoking are long-term and irrelevant to them; and a lack of awareness of the addictive nature of nicotine. The health warnings under these regulations are intended to redress this.
- BS EN 16156:2010 Cigarettes. Assessment of the Ignition propensity. Safety requirement by virtue of General Product Safety Regulations 2005. Genuine cigarettes have a safety feature which means they extinguish if they are left unattended, counterfeit cigarettes do not have this feature.
- Section 7A of the Tobacco Advertising and Promotion Act 2002. The primary focus of the Act is on protecting children and young people from health harms of smoking through the removal of displays of tobacco in retail premises. A consequential benefit of the policy is to create a more supportive environment for adults who are trying to quit smoking.

The cigarettes seized from Mini Market Polo, 25a Mansfield Road, Sutton In Ashfield, NG17 4EL were foreign labelled cigarettes rather than counterfeit.

Smoking is known to be a major health issue, foreign labelled tobacco products have no health warnings on the packets, they do not have the fire safety feature and cheaper cigarettes undermine the government's pricing strategy which has been shown to reduce the number of people who smoke. Also, illicit cigarettes cost the government an estimated £1.86 billion in revenue in 2010/11.



## Case Summary

The sequence of events in relation to this premises are:

<b>Date</b>	<b>Event</b>
25/2/2016	Visit carried out. A large quantity of illicit tobacco found as follows: <ul style="list-style-type: none"><li>• Shop storeroom in a leather bag – 280 cigarettes</li><li>• Annex storeroom in a box – 900 cigarettes</li><li>• Residential address in large box – 7180 cigarettes</li></ul>





## **Consumer champion campaigns against illicit cigarettes in mother's memory**



In 2012 Julie's mother, June Buffham, tragically died in a house fire at her home in Spalding. At the inquest, the Lincolnshire Coroner linked her death to illegal Jin Ling cigarettes failing to self-extinguish.

While the Coroner was reassured by the work Lincolnshire trading standards service were doing he highlighted his safety concerns and said he would support any further work regarding these illegal products.

Lincolnshire trading standards looked at their working procedures and considered adding the General Product Safety Regulations offence to their prosecutions. Heavily supported by the management team, they took their first case. Now a landmark, many other services are following their lead investigating and prosecuting in this way.

Whilst undertaking tobacco control work they worked with many partners including the Smokefree Lincs Alliance who asked if Lincolnshire Trading Standards could do more prevention work. Joining forces with Lincolnshire Fire and Rescue they decided to produce a video campaign and contacted Julie.

On the campaign launch day Julie had already done nearly an hour's pre-recorded interview with BBC Radio Lincolnshire, two interviews with local news channels and countless newspaper interviews,

Julie was very open and shared her feelings. Since the start of this work Julie and her husband Ed haven't hesitated to travel to visit Lincoln Fire Headquarters on numerous occasions for filming and meetings.

Many of the officers at Lincolnshire Trading Standards have been deeply inspired by Julie's relentless support, bravery and kindness, supporting and championing our work on tobacco control and in particular on the dangers of illicit cigarettes. Julie is one of this year's worthy Hero Award winners.

Pictured from left to right: Leon Livermore, CTSI chief executive. Julie Grant, Hero Award winner. Mark McGinty, CTSI chairman.

### ***2015 CTSI Award Winners***

### **Recommendations**

This Review has been requested after only one visit to the premises, however a large quantity of tobacco was seized both in the shop storerooms and in the personal accommodation.

Although suggestions have been put forward in the application for possible conditions to be imposed on the licence, it is unlikely these will have the desired effect of stopping the sale of illicit tobacco. It should also be noted that a large quantity of illicit tobacco was found in the residential accommodation which would not be covered by any licence conditions.

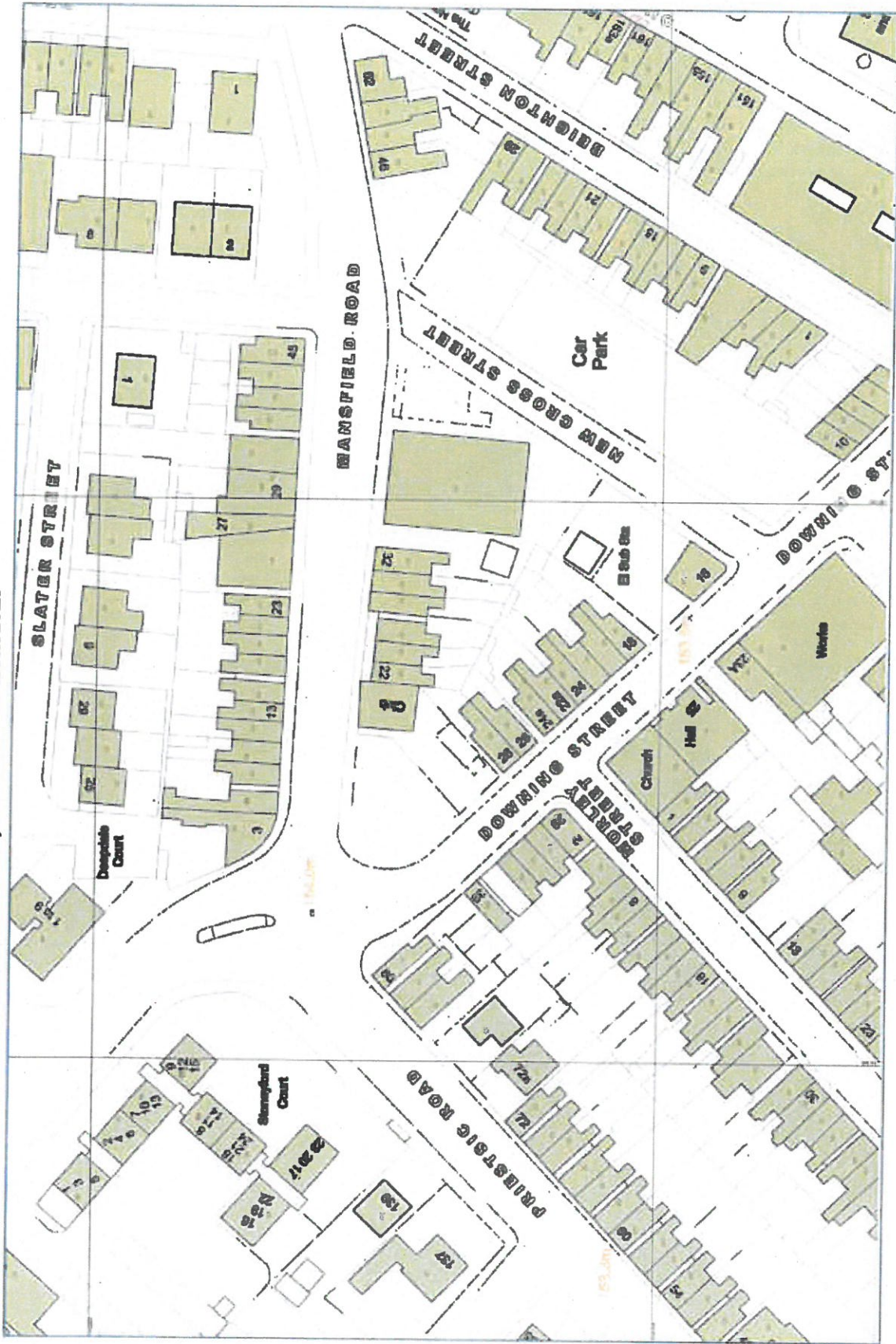
Due to the large amount of tobacco found and in the interests of the two licensing objectives of prevention of crime and disorder and public safety, we would strongly recommend that the licence is revoked from this premises.







### Mini Market Polo - 25a Mansfield Road, Sutton in Ashfield.







# ASHFIELD DISTRICT COUNCIL

Urban Road,  
Kirkby-in-Ashfield,  
Nottingham,  
NG17 8DA

Tel: 01623 450000  
Fax: 01623 457592  
www.ashfield-dc.gov.uk



## Ashfield

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<b>Contact:</b>	Licensing Team	<b>Our Ref:</b>	005591 /LP1603
<b>Direct Line:</b>	01623 457589	<b>Your Ref:</b>	
<b>E-Mail</b>	licensing@ashfield-dc.gov.uk	<b>Date:</b>	15 June 2016

Dear Mrs Statham

### LICENSING ACT 2003

### LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

### NOTICE OF REVIEW HEARING

**RE: Mini Market Polo, 25a Mansfield Road, Sutton In Ashfield, Nottinghamshire, NG17 4EL**

In accordance with the above provisions, I would advise you that the above application will be heard by a Licensing Panel of this Licensing Authority on Tuesday 12<sup>th</sup> July 2016 commencing at 10.00am in the Council Chamber at Ashfield District Council, Urban Road, Kirkby-in-Ashfield, Nottingham.

Your attention is drawn to the following matters:

1. You have a right to be assisted or represented by any person whether or not that person is legally qualified.
2. If you require an interpreter at the hearing, you must provide and pay for this service yourself. Ashfield District Council does not provide or pay for interpreters at Licensing hearings.
3. If you fail to attend, or are not represented at, the hearing, the authority may -
  - Where it is considered to be necessary in the public interest, adjourn the hearing to a later date, or
  - Hold the hearing in your absence.

( Over ..... )

Mrs M Statham  
Trading Standards Officer  
Nottinghamshire County Council  
County House  
100 Chesterfield Road South  
Mansfield  
Nottinghamshire  
NG19 7AQ

R. MITCHELL, Chief Executive

If reasonable adjustments are needed to fully engage with the Authority - contact 01623 450000

4. Where the hearing is held in your absence, the authority will consider at the hearing the application, representation or notice made by you.
5. The authority requests that the following information is provided well in advance of the hearing in order to clarify a number of points -
  - Any additional information that supports your application to Review the licence that will undermine the licensing objectives relating to Prevention of Crime and Disorder and Public Safety.
6. I would remind you that should you have any additional supporting information that you wish to be considered at the above hearing, copies of the information must be provided to the other parties prior to the hearing. By virtue of Regulation 8 of the above Regulations, supporting information provided on the day of the hearing may only be considered with the consent of all other parties.
7. If additional written information is to be placed before the Panel, at least six copies of the material should be provided.
8. A copy of the procedure to be followed at the Hearing is enclosed.
9. A copy of the agenda for the hearing will be available at the Hearing.
10. After consideration of the information contained in this letter, I should be obliged if you would advise me if -
  - You will be attending or be represented by another party at the hearing, and
  - If there are any witnesses that you wish to appear at the hearing on your behalf; if so, please forward a list of your witnesses together with a brief description of how they may be able to assist the authority, or
  - If you consider that a hearing is unnecessary.

If for any reason you wish to withdraw your representation, please note that this must be done in writing no later than 24 hours before the hearing or orally at the hearing. Should this be the case (for example, if there is some agreement reached between you and the applicant) it would be appreciated if you could advise the Licensing Team in writing as soon as possible, by returning the Withdrawal of Representation form enclosed with this letter, in order that the hearing may be cancelled.

I look forward to hearing from you.

Yours sincerely



Mr C Booth  
Environmental manager

Enc.

# ASHFIELD DISTRICT COUNCIL

Urban Road,  
Kirkby-in-Ashfield,  
Nottingham,  
NG17 8DA

Tel: 01623 450000  
Fax: 01623 457592  
www.ashfield-dc.gov.uk



# Ashfield

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<b>Contact:</b>	Licensing Team.	<b>Our Ref:</b>	005591/PR/1313
<b>Direct Line:</b>	01623 457589	<b>Your Ref:</b>	
<b>E-Mail</b>	licensing@ashfield-dc.gov.uk	<b>IP</b>	
<b>Date:</b>	27 June 2016	<b>Resp Auths</b>	

Dear Mr Dziebowski

## LICENSING ACT 2003

## LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

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Your attention is drawn to the following matters:

1. You have a right to be assisted or represented by any person whether or not that person is legally qualified.
2. If you require an interpreter at the hearing, you must provide and pay for this service yourself. Ashfield District Council does not provide or pay for interpreters at Licensing hearings.
3. If you fail to attend, or are not represented at, the hearing, the authority may -
  - Where it is considered to be necessary in the public interest, adjourn the hearing to a later date, or
  - Hold the hearing in your absence.

(Over ..... )

Mr Dziebowski  
25a Mansfield Road  
Sutton In Ashfield  
Nottinghamshire  
NG17 4EL

R. MITCHELL, Chief Executive

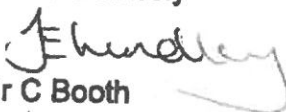
If reasonable adjustments are needed to fully engage with the Authority - contact 01623 450000

4. Where the hearing is held in your absence, the authority will consider at the hearing the application, representation or notice made by you.
5. The authority requests that the following information is provided well in advance of the hearing in order to clarify a number of points –
  - Any additional steps that are proposed to be included in the Operating Schedule to address the concerns raised by the Nottinghamshire Trading Standards, in their representation, that the Prevention of Crime and Disorder and Public Safety objectives will be undermined.
6. I would remind you that should you have any additional supporting information that you wish to be considered at the above hearing, copies of the information must be provided to the other parties prior to the hearing. By virtue of Regulation 8 of the above Regulations, supporting information provided on the day of the hearing may only be considered with the consent of all other parties.
7. If additional written information is to be placed before the Panel, at least six copies of the material should be provided.
8. Copies of the following are enclosed for your information –
  - A copy of the procedure to be following at the hearing
  - A copy of the representation received from Trading Standards.
9. A copy of the agenda for the hearing will follow.
10. After consideration of the information contained in this letter, I should be obliged if you would advise me if,
  - You will be attending or be represented by another party at the hearing, and
  - If there are any witnesses that you wish to appear at the hearing on your behalf; if so, please forward a list of your witnesses together with a brief description of how they may be able to assist the authority, or
  - If you consider that a hearing is unnecessary.

Should this be the case (for example, if there is some agreement reached between yourselves and the Responsible Authority) it would be appreciated if you could advise the Licensing Team in writing as soon as possible in order that the Hearing may be cancelled.

I look forward to hearing from you.

Yours sincerely

  
Mr C Booth  
Environmental Manager

Enc.