

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

Name and address Trading Standards and Community Safety, Adult Social Care and Public Protection, Nottinghamshire County Council, County House, 100 Chesterfield Road South, Mansfield, NG19 7AQ.
Telephone number (if any) 01623 452005
E-mail address (optional) trading.standards@nottscc.gov.uk

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 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*

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

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



Ashfield

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> 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 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.



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:

Date	Event
25/2/2016	Visit carried out. A large quantity of illicit tobacco found as follows: <ul style="list-style-type: none"><li data-bbox="598 577 1310 613">• Shop storeroom in a leather bag – 280 cigarettes<li data-bbox="598 613 1222 649">• Annex storeroom in a box – 900 cigarettes<li data-bbox="598 649 1326 685">• Residential address in large box – 7180 cigarettes

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



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



