

AGENDA

Meeting: Southern Area Licensing Sub Committee
Place: Meeting Room - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Wednesday 11 March 2015
Time: 10.00 am
Matter: Review of a Premises Licence: The Polish Shop, 62 Winchester Street, Salisbury, Wiltshire, SP1 1HL

Please direct any enquiries on this Agenda to Lisa Moore 01722 434560, of Democratic Services, County Hall, Bythesea Road, Trowbridge, BA14 8JN.

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Jose Green
Cllr George Jeans

Cllr Leo Randall

AGENDA

1 **Election of Chairman**

To elect a Chairman for the meeting of the Sub Committee.

2 **Procedure for the Meeting** *(Pages 5 - 12)*

The Chairman will explain the attached procedure for the members of the public present.

3 **Chairman's Announcements**

The Chairman will give details of the exits to be used in the event of an emergency.

4 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5 **Licensing Application** *(Pages 13 - 18)*

To consider and determine an Application by Trading Standards for a Review of the Premises Licence in respect of The Polish Shop, 62 Winchester Street, Salisbury, Wiltshire SP1 1HL. The report of the Public Protection Officer (Licensing) is attached.

5a **Appendix 1 - Licence Application** *(Pages 19 - 36)*

5b **Appendix 2 - Current layout of Premises** *(Pages 37 - 38)*

5c **Appendix 3 - Current Premises Licence and Conditions** *(Pages 39 - 44)*

5d **Appendix 4 - Form giving details of labelling advice** *(Pages 45 - 46)*

5e **Appendix 5 - Statements from Public Protection Officers (Trading Standards)** *(Pages 47 - 56)*

5f **Appendix 6 - Photographic Evidence** *(Pages 57 - 68)*

5g **Appendix 7 - Letters to Mrs Gumula in English and Polish** *(Pages 69 - 72)*

5h **Appendix 8 - Statement from Senior Public Protection Officer (Trading Standards)** *(Pages 73 - 76)*

- 5i **Appendix 9 - Further Photographic Evidence** *(Pages 77 - 80)*
- 5j **Appendix 10 - Letter from Mrs Gumula authorising sale of Alcohol and Tobacco products** *(Pages 81 - 82)*
- 5k **Appendix 11 - Review Application** *(Pages 83 - 92)*
- 5l **Appendix 12 - Premises Location** *(Pages 93 - 96)*

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LICENSING COMMITTEE

PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

“Applicant” means the person who has submitted an Application for consideration by the Committee.

“Applicant’s Premises” means premises subject to the Application.

“Applicant’s Representative” means a person attending a Hearing to assist or represent an Applicant including a lawyer.

“Application” means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

“Chairperson” means the Member who is the Chairperson of the Committee for the particular Hearing.

“Committee” means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

“Committee Lawyer” means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

“Committee Manager” means the Council’s Officer who is present at a Hearing to take minutes.

“Committee Report” means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously

made available to the Applicant or their Representative, a Responsible Authority or their Representative or any person/s or their representative who have made a Relevant Representation.

“Hearing” means a meeting of the Committee at which an Application is considered.

“Licence” means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

“Licensing Officer” means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

“Licensing Authority” the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

“Member” means a Member who is a Member of the Committee that is considering an Application.

“Responsible Authority” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

“Person making a Relevant Representation” means a person who is present at a Hearing to make a representation in respect of an Application and includes any person who is present to assist or make representations on behalf of that person including a Lawyer.

3 Key Principles

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
 - 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
 - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;

- 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation;
- 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

4 The Hearing

- 4.1 The Hearing shall take place in public.
 - 4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.
 - 4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:
 - a refuse to permit them to return;
 - b permit them to return only on such conditions as the Committee may specify;
 - c in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.
- 4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.
- 4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.
- 4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.
- 4.5 This equal maximum time may have been notified in advance of the Hearing;
- 4.6 Where there is a number of people who have made a Relevant Representation who have attended the Hearing to make the same

representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those who have made a Relevant Representation.

5 Presentation of Submissions

5.1 The Chairperson will introduce the Application.

5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.

5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:

5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:

- a the options available to it;
- b the considerations that are relevant in reaching its decision.

5.3.2 The Review Applicant (or the Applicant's Representative) will orally present its submission which may include:

- a presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
- b confirming key information and answer pertinent questions; and
- c calling witnesses in support of the Application (see paragraph 4.3).

A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation will orally present their representations in turn which shall include:

- a the grounds of the representation to the Application; and
- b any condition(s) that the Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

The Premises Licence Holder and/or their representative will orally present their representations which shall include;

- a The response to the representations made by the Review Applicant, a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation; and
- b Whether they would be happy to accept any modifications to the Licence as suggested by the Review Applicant, a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.

6 Questioning of Submissions

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or any person/s who have made a Relevant Representation to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

7 Documentation

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any person/s who has made a Relevant Representation's premises. If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

8 Intervention

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.
- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

9 Failure of Parties to Attend Hearing

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.

- 9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
- 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or
 - 9.2.2 hold the Hearing in the party's absence.
- 9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

10 Closing Submissions

- 10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and any person/s who have made a Relevant Representation to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

11 Decision

- 11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.
- 11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.
- 11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

Review Hearing Procedure Summary

1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson welcomes all those present and introduces the Application.
3. The Chairperson invites the Sub Committee Members, Council Officers, the Review Applicant and/or their representative, any Responsible Authorities and/or any person who has made a Relevant Representation and the Premises Licence Holder and/or their representative to introduce themselves.
4. The Chairperson outlines the Hearing Procedure.
5. The Licensing Officer presents the Committee Report and outlines the application.
6. The Review Applicant and/or their representative address the Sub Committee to present their case.
7. Questions to the Review Applicant by Members of the Sub Committee, any Responsible Authorities and/or any person's who have made a Relevant Representation and the Premises Licence Holder.
8. Responsible Authorities and/or any person/s who have made a Relevant Representation address the Sub Committee.
9. Questions to any of the Responsible Authorities and/or any person's who have made a Relevant Representation by Members of the Sub Committee, the Review Applicant and the Premises Licence Holder.
10. The Premises Licence Holder and/or their representative address the Sub Committee to present their case.
11. Questions to the Premises Licence Holder by Members of the Sub Committee, any Responsible Authorities and/or any person/s who have made a Relevant Representation and the Review Applicant.
12. Summing up by the Responsible Authorities and/or any person's who have made Relevant Representations.
13. Summing up by the Premises Licence Holder.
14. Summing up by the Review Applicant.
15. The Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
16. The Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Sub Committee.
17. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

11 March 2015

Application for a Review of a Premises Licence: The Polish Shop, 62 Winchester Street, Salisbury, SP1 1HL

1. Purpose of Report

- 1.1 To determine an application for a Review of a Premises Licence in respect of The Polish Shop, 62 Winchester Street, Salisbury, SP1 1HL made by Yvonne Bennett, Trading Standards Team Leader, Wiltshire Council.

2. Background Information

- 2.1 An application for a review of a Premises Licence in respect of The Polish Shop, 62 Winchester Street, Salisbury, SP1 1HL made by Yvonne Bennett for which no other relevant representations have been received at this time.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the review application and any representations received. In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers appropriate for the promotion of the licensing objectives.
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
 - ii) Public Safety;
 - iii) The Prevention of Public Nuisance; and
 - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To modify the conditions of the licence.
 - ii) To exclude a licensable activity from the scope of the licence.
 - iii) To remove the designated premises supervisor.
 - iv) To suspend the licence for a period not exceeding three months.
 - v) To revoke the licence.
 - vi) To determine that no steps are necessary

Government Guidance issued under s.182 of the Licensing Act states that:

“Licensing Authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the

licence financially and would only be expected to be pursued as appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives”

- 2.5 On 28 November 2013 an application for a new premises licence was received and accepted as a valid application. The Premises Licence application is attached as **Appendix 1**. This was under the name The Polish Shop but it is also known as Gosi. The Licence was granted 27th December 2013.
- 2.6 The current layout of the premises is attached as **Appendix 2**.
- 2.7 This is the first Premises licence held at the Premises since the inception of the Licensing Act 2003, current premises licence is attached as **Appendix 3** with the current conditions set out in **Appendix 3a**.
- 2.8 On 4 December 2013 the Premises was visited and advice was given on ensuring English labelling was on food products. **Appendix 4**.
- 2.9 As a result of intelligence received that illegal tobacco and alcohol products were being sold at the Polish Shop a visit was made to the Premises. This was on 15 July 2014 when a significant quantity of cigarettes and hand rolled tobacco were found on the premises by Trading Standards Officers. The products were labelled in various languages and were found to be illegal because the packaging did not bear the appropriate health warnings and failed to carry a UK duty paid fiscal mark. Statements of Trading Standards Officers are attached with regards to the illegal tobaccos **Appendix 5, 5a, and 5b**. Photographs are attached as **Appendix 6,6a,6b,6c,6d,6e,6f,6g,6h,6i,6j**.
- 2.10 When spoken to, the Premises Licence Holder and Designated Premises Supervisor, Mrs Malgorzata Gumula claimed that the illegal products were for personal use and were not in her possession for supply. However they were found in the shop premises, underneath the till area and in a store room. Some were also found in her vehicle. The shop also appeared to be under the control of inexperienced staff.
- 2.11 At the beginning of October 2014 Trading Standards received a complaint alleging that alcohol was being sold at the Polish Shop to persons under the age of 18. As a result of this a Test purchase operation was set up by Trading Standards using a 16 year old volunteer. A test purchase attempt by the volunteer resulted in a sale of alcohol on 30 October 2014 and a purchase of cigarettes. The person who sold the tobacco and alcohol to the 16 year old spoke very little English and had insufficient retail experience and training to be left alone on a premises selling alcohol and tobacco products. **Appendix 7 & 7a** letter to Mrs Gumula notifying her in both English and Polish of the intention of Trading Standards to undertake a Test purchase exercise. Statements from Trading Standards Officers are attached with regards to the Test Purchase **Appendix 8**, Photographs of items sold and the Sales assistant are **Appendix 9, 9a 9b**.

- 2.12 Mrs Malgorzeta Gumula supplied a letter dated 20 October 2014 stating that Aleksandra Bonus was aware of Challenge 25 policy. **Appendix 10.**
- 2.13 On 4 February 2015 an application for a review of the existing premises licence was received **Appendix 11** and accepted as a valid application. During consultation for this application no other relevant representation was received.
- 2.14 The premise operates as a retail outlet in the City Centre of Salisbury. The Location of the Premises is attached as **Appendix 12.** A more detailed position of the Premises is attached as **Appendix 12a.**

3. Consultation and Representations

3.1 The application process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, Bourne Hill, Salisbury, SP1 3UZ. During the consultation period no other relevant representations were received.

3.2 Responsible Authorities

- No Responsible Authority has made a representation in connection with this application.

3.3 Interested Parties

- No interested parties made a relevant representation.

3.4 A summary of the representations made is detailed in the table below:

Representation	Licensing Objective	Accepted
None		

4. Legal Implications

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

4.2 The Applicant and all Responsible Authorities and Interested Parties who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those Responsible Authorities and Interested Parties who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

5. Officer Recommendations

- 5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

6. Right of Appeal

- 6.1 It should be noted that the Premises Licence Holder, the party that applied for the review and any Responsible Authority or person/s who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 7.2 The decision of the Licensing Sub Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not take effect until any appeal is heard and finally determined.
- 7.3 The Premises Licence Holder and all those who have made a representation have been informed of the date, time and location of the hearing and their right to attend and be represented.

Report Author: Ian Garrod

Ian Garrod, Public Protection Officer (Licensing)

Date of report: 03/03/2015

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

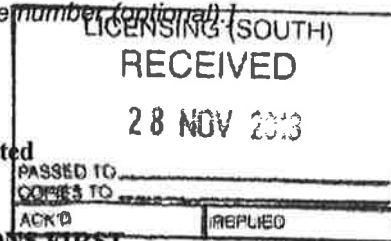
Appendices

- 1. Licence Application**
- 2. Current Layout of Premises**
- 3. Current Premises Licence**
- 3a Current Conditions**
- 4 Form giving details of labelling advice**
- 5 Statement from Robin Green – dated 24/09/2014**
- 5a Statement from Emma Carroll – dated 15/01/2015**
- 5b Statement from Robin Green – dated 15/01/2015**
- 6 Photograph Cigarettes and tobaccos found**

- 6a** Photograph of front Russian cigarette box
- 6b** Photograph Side view of Russian cigarette box
- 6c** Photograph of front Golden Gate cigarette box
- 6d** Photograph of side view Golden Gate cigarette box
- 6e** Photograph of other side of Golden Gate cigarette box
- 6f** Photograph of front of LD cigarette box
- 6g** Photograph of side view LD cigarette box
- 6h** Photograph of Front view Monte Carlo Cigarette Box
- 6i** Photograph of front view NZ Black Super Slims
- 6j** Photograph of front view NZ Gold Super Slims
- 7** Letter to Mrs Gumula in English
- 7a** Letter to Mrs Gumula in Polish
- 8** Statement from Robin Green – dated 10/11/2014
- 9** Photograph of items sold Desperado Beer
- 9a** Photographs of item sold Marlborough Cigarettes
- 9b** Photograph of sales assistant
- 10** Letter from Mrs Malgortzata Gumula authorising sale of Alcohol & Tobacco products
- 11** Review Application
- 12** Premises location
- 12a** More detailed position of Premises

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[Insert name and address of relevant licensing authority and its reference number (optional)]



**Application for a premises licence to be granted
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/We MALGORZATA GUMULA
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
62 WINCHESTER STREET POLISH SHOP SALISBURY WILTSHIRE			
Post town	SALISBURY	Postcode	SP1 1HL
Telephone number at premises (if any)		07874997606	
Non-domestic rateable value of premises		£ 6,000	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|--|--|
| <p>a) an individual or individuals *</p> <p>b) a person other than an individual *</p> <p style="margin-left: 20px;">i. as a limited company</p> <p style="margin-left: 20px;">ii. as a partnership</p> <p style="margin-left: 20px;">iii. as an unincorporated association or</p> <p style="margin-left: 20px;">iv. other (for example a statutory corporation)</p> | <p style="text-align: center;"><input checked="" type="checkbox"/> please complete section (A)</p> <p style="text-align: center;"><input type="checkbox"/> please complete section (B)</p> <p style="text-align: center;"><input type="checkbox"/> please complete section (B)</p> <p style="text-align: center;"><input type="checkbox"/> please complete section (B)</p> <p style="text-align: center;"><input type="checkbox"/> please complete section (B)</p> |
|--|--|

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname GUMULA			First names MALGORZATA		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number			0487 499 7606		
E-mail address (optional)		malgorzata.gumula@op.pl			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY
2 0 1 2 . 2 0 1 3

*Matgorwkp
Cymru*

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY
[][] [][] [][][][]

Please give a general description of the premises (please read guidance note 1)

I am opening a shop and would like to sell alcohol. It is going to be a shop with international food, and also wanted to sell alcohol in there. But there will not be drinking alcohol on the premises.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend. []

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	8.00	23.00						
Tue	8.00	23.00						
Wed	8.00	23.00						
Thur	8.00	23.00				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	8.00	23.00						
Sat	8.00	23.00						
Sun	8.00	23.00						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	MALGORZATA GUMULA		
Address	402 NEW COURT DOWN FARM COTTAGE DOWNTON WILTSHIRE SALISBURY		
Postcode	SP5 3YE		
Personal licence number (if known)	PER 1303		
Issuing licensing authority (if known)			

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

Only selling alcohol - not drinking in the shop.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	8.00	23.00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Tue	8.00	23.00	
Wed	8.00	23.00	
Thur	8.00	23.00	
Fri	8.00	23.00	
Sat	8.00	23.00	
Sun	8.00	23.00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

- intend to install to CCTV to improve home standards
- underage sales, prevented by staff training and challenge
- staff trained to deal with drunken customers and underage sales
- keeping records of incidents and refuse sales,

b) The prevention of crime and disorder

- dealing with drunk customers, if person attempt to buy alcohol is under the influence of alcohol they will be refused,

c) Public safety

- parking in loading bay for deliveries,
- fire and risk assesment will be completed on annual basis

d) The prevention of public nuisance

- deliveries during the day

e) The protection of children from harm

- challenge 25, only excepting suitable photogramphic documents (passport, driving licence, passcard)
- not selling alcohol to customers, who is going to give it to children,
- display notices off the challenge 25 policy

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Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	28. 11. 2013
Capacity	

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

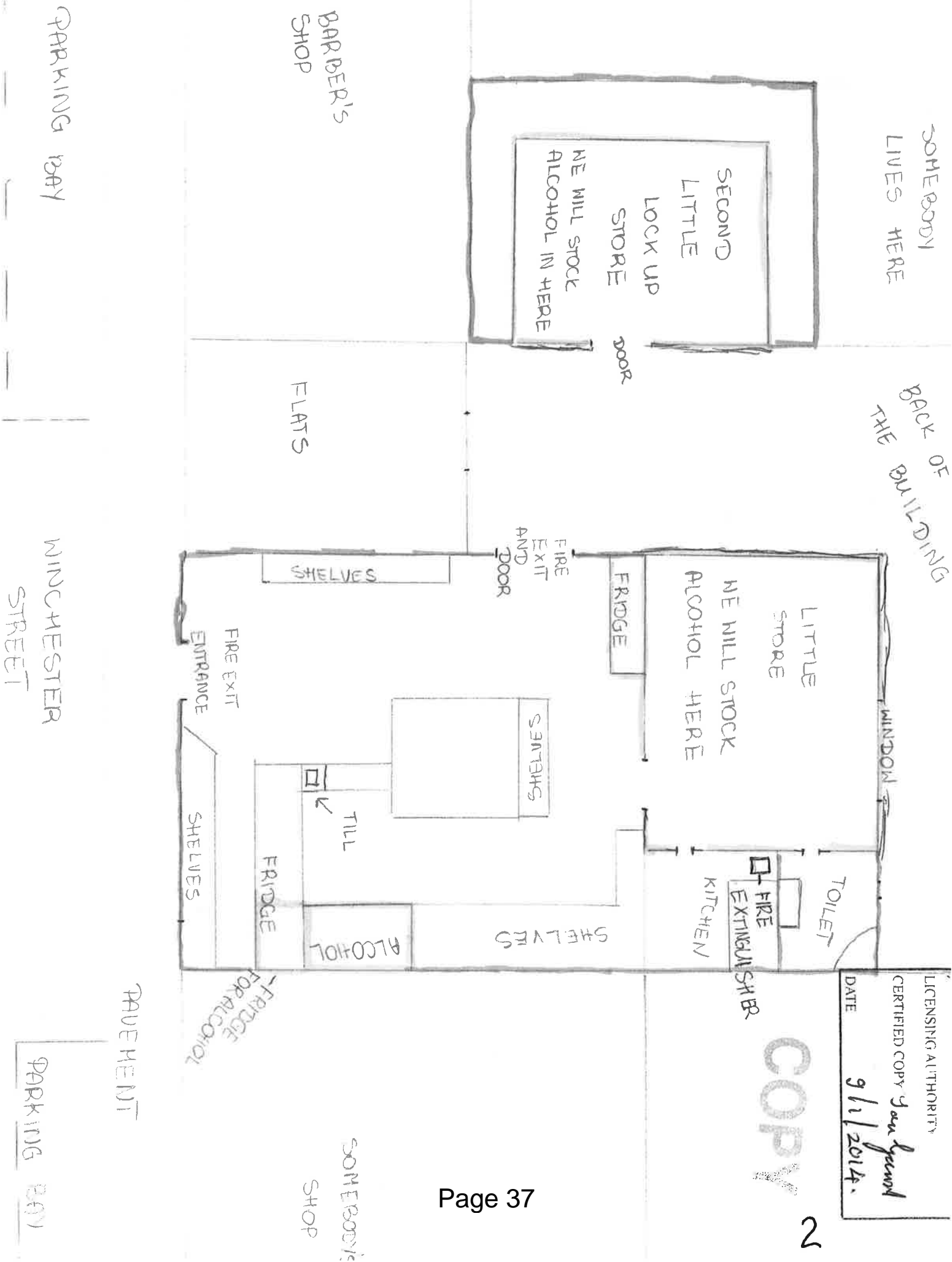
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

d



LICENSING AUTHORITY
 CERTIFIED COPY *you found*
 DATE 9/11/2014.

COPY

This page is intentionally left blank

ISSUING LOCAL AUTHORITY



PART 1 – PREMISES & LICENCE HOLDER DETAILS

COPY

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Polish Shop, 62 Winchester Street, Salisbury, Wiltshire SP1 1HL

NAME, (REGISTERED) ADDRESS AND CONTACT DETAILS OF HOLDER OF PREMISES LICENCE

Malgorzata Gumula
402 New Court Down Farm Cottage, Downton, Salisbury, Wiltshire, SP5 3JE
Tel: 07874997606

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER

Not Applicable

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Malgorzata Gumula
402 New Court Down Farm Cottage, Downton, Salisbury, Wiltshire SP5 3JE
Tel: 07874997606

ISSUING AUTHORITY AND PERSONAL LICENCE NUMBER HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL

PER1303

WHERE THE LICENCE IS TIME LIMITED - THE DATES AND TIMES

Not Applicable

THE OPENING HOURS OF THE PREMISES

Monday-Sunday 08:00am-23:00pm

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

OFF

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Yes – The provisions of Section 145 of the Licensing Act 2003 apply

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE						
Licensable activities	Location	Day	Time From	Time To	Time From	Time To
Hrs premises open to public	Whole Premises	Sunday	08:00	23:00		
		Monday	08:00	23:00		
		Tuesday	08:00	23:00		
		Wednesday	08:00	23:00		
		Thursday	08:00	23:00		
		Friday	08:00	23:00		
		Saturday	08:00	23:00		
Non Standard Timings & Seasonal Variations						
Alcohol Sales	OFF Premises	Sunday	08:00	23:00		
		Monday	08:00	23:00		
		Tuesday	08:00	23:00		
		Wednesday	08:00	23:00		
		Thursday	08:00	23:00		
		Friday	08:00	23:00		
		Saturday	08:00	23:00		
Non Standard Timings & Seasonal Variations						

COPY

Licence Commencement Date

27th December 2013

Licensing Officer

Current Licence Date

27th December 2013

Licensing Officer

ANNEX 1 - MANDATORY CONDITIONS

Door Supervision

1. Individuals who are present to guard against a, b or c must be licensed by the Security Industry Authority:
 - a. Unauthorised access or occupation (eg through door supervision)
 - b. Outbreaks of disorder
 - c. Damage

COPY

Supply of Alcohol

2. Where this Licence authorises the supply of alcohol:

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
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended"

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

Exhibition of Films

3. Where this Licence authorises the exhibition of films:

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made:

- a. By the British Board of Film Classification (BBFC,) where the film has been classified by that Board
- b. By the Licensing Authority where no classification certificate has been granted by the BBFC or, where the
- c. Licensing Authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.

Irresponsible Promotions

4. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - a. games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or

discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Dispensing Alcohol Directly into the Mouth

- 5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Free Tap Water

- 6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Age Verification Policy

- 7. (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.

Drink Volume Measures

- 8. The responsible person shall ensure that:
 - a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - b. customers are made aware of the availability of these measures.

ANNEX 2A – CONVERTED CONDITIONS

INSERT CONVERTED CONDITIONS HERE

ANNEX 2B – OPERATING SCHEDULE

PREVENTION OF PUBLIC NUISANCE

- Deliveries to the shop will take place during the day.
- The loading bay will be used for deliveries.

PUBLIC SAFETY

- Fire and risk assessment will be completed on an annual basis.

PROTECTION OF CHILDREN FROM HARM

- Challenge 25 will operate, only suitable photographic identification will be accepted in the form of passport, driving licence or pass card.
- Alcohol will not be sold to customers who it is suspected will give it to those who are underage.
- Challenge 25 policy Notices will be displayed prominently in the Premises.

PREVENTION OF CRIME AND DISORDER

- If a person attempts to buy alcohol whilst under the influence of alcohol they will not be served.
- A record will be kept of incidents and refused sales.
- CCTV equipment will be installed and fully maintained to cover all trading areas and entrances and exits when the premise is open to the public. The CCTV will be of sufficient quality so as to produce images which enable identification: images will be securely stored for a minimum of 28 days. CCTV images will be produced to a Wiltshire Council Officer or Police Officer on request.
- Staff trained to deal with drunken customers and those attempting to make underage purchases

ANNEX 3 – CONDITIONS ATTACHED AFTER HEARING

Not Applicable

ANNEX 4 – PLANS

Attached Separately

Wiltshire Council Contact Address:

*Burns Hill
Salisbury*

13200

Wiltshire Council
Where everybody matters

Inspection Report Form

01722 438000

REPORT OF A FOOD STANDARDS/ANIMAL FEED INSPECTION or other INTERVENTION (*)

Visit carried out under Food Safety Act 1990 (*), Agriculture Act 1970 (*), European Communities Act 1972 (*), Regulation (EC) No 853/853/854/2004 (*), Regulation (EC) No 178/2002 (*), and other legislation.

Premises Name: and address: *Polish Shop
62 Winchester Street*

Registered Address: (if different) *Salisbury SA1 1HL*

Tel Number *0208998* Food Business Operator/Proprietor *Mrs M Gurula*

Type of Business: *Do. N / food* Date/Time of Inspection/Intervention *4/12/13 14:30*

Records examined: *-*

Areas Inspected: *Shop*

Samples taken: *-*

Summary of key matters requiring legal compliance (L) or recommended as good practice (R) and timescale.	L/R	Time Scale
<i>1) Scale tested & found to be accurate. The table it is on is quite wobbly - it would be advisable to put it on a firmer base.</i>	R	
<i>2) Dark Rye bread declared at 450g but found to weigh 346g, 356g & 372g ie very short weight. Ketchup bread declared at 450g but found to weigh 431g. Remained for sale. I will refer this to the Local Trading Standards for the bakery.</i>	L	
<i>3) Please display a notice saying "Owner: Magdalena Gurula" near the counter on the number</i>	L	
<i>4) Please ensure all jars have English labelling & the future discuss with supplier & apply labels now</i>	L	

Further action to be taken by Local Authority (indicated by a ✓)

Issue this note only Letter to follow Revisit Evidence taken/consider further legal action

THIS IS A RECORD OF INSPECTION. THE REPORT ONLY COVERS THE AREAS INSPECTED AT THE TIME OF THE VISIT AND DOES NOT INDICATE YOUR OVERALL COMPLIANCE WITH THE LEGISLATION. IT IS NOT A LEGAL NOTICE.

Issued by *Mrs M Gurula* Signature *M Gurula* Date/Time *15/13*
Officer's Name Officer's signature

Designation *Mrs M Gurula* Contact details of senior officer *01722 438000*

Person See *Mrs M Gurula* Position *Owner* Signature

15893 MC 09

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STATEMENT OF WITNESS

C.J.A. Statement

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)

STATEMENT OF

Robin James Green

Age of Witness

over 18

(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

Occupation of Witness:

Senior Public Protection Officer

This statement, consisting of ... 5... pages each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 24th day of September 2014

I am employed by Wiltshire Council, Department of Public Health and Public Protection, as a Senior Public Protection Officer in the Trading Standards Department. I am authorised to enforce the Consumer Protection Act 1987.

In March 2014 and April 2014 the department received two anonymous complaints alleging illegal tobacco was being sold from The Polish Shop, 62 Winchester Street, Salisbury, Wiltshire SP2 7QY.

On 15 July 2014 I visited a number of shops in Salisbury with my colleague Emma Carroll, a Senior Public Protection Officer. During these visits we had assistance from Adam Vizard of Wagtail UK Ltd, specialists in tobacco detection dogs.

At approximately 09:20 hours on 15 July 2014 I entered The Polish Shop, 62 Winchester Street, Salisbury, SP2 7QY. I spoke to a female who was standing behind the counter. I explained who I was and that the department had the services of a tobacco detection dog. The female then phoned a person she described as her boss. The phone was then handed to me. I asked who I was speaking with and she said she was the owner of the shop, Malgorzata Gumula. I explained to her that we

intended to use a tobacco detection dog throughout the shop floor and storeroom. At this time there was no objection from Ms Gumula. In order for the inspection to go as smoothly as possible the female member of staff agreed to close the shop to the public. During the inspection I saw the detection dog become particularly interested with some bags directly underneath the till. My colleague Emma Carroll went to the area and found a number of tobacco products that were in bags. She then handed me the following items;

L & M Link	12 packets of 20 cigarettes
Pect	3 packets of 20 cigarettes
Golden Gate	5 packets of 20 cigarettes
Marlboro	1 packet of 20 cigarettes
NZ Black	2 packets of 20 cigarettes
NZ Gold	3 packets of 20 cigarettes
Monte Carlo	4 packets of 20 cigarettes
L & M Blue	5 packets of 20 cigarettes
Cutters Choice	2 x 50g pouches
Golden Virginia	4 x 50g pouches

The dog and handler then went into the storeroom and detected another area where tobacco may be being stored. In a crate a further amount of tobacco was found;

Golden Virginia	15 x 50g pouches
-----------------	------------------

The search of the premises was then concluded, no further tobacco products were found on the premises. At this time the owner of the shop, Malgorzata Gumula entered the shop and my colleague Emma Carroll explained to her that I would be seizing the tobacco products as they failed to bear the appropriate health warnings as required by the Tobacco Products (Manufacturer, Presentation and Sale) (Safety) Regulations 2002 and failed to bear the UK duty paid fiscal mark as required by the Tobacco Products Duty Act 1979. I explained that she would be written to in due course inviting her to attend an interview under caution. As we left the premises at approximately 09:45 hours it was decided that we would return and ask to look in her vehicle which was parked approximately 100 metres from the shop. She agreed to this and in the back of her Ford Mondeo (registration number CA05JMU) we found the following tobacco products;

LD	20 packets of 20 cigarettes
----	-----------------------------



On returning to the office the tobacco products seized were placed in evidence bags and given exhibit numbers.

The L&M Link were known to me as a brand owned by Philip Morris. Therefore of the 12 packets of L&M Link seized 10 packets were placed inside evidence bag number M00081741 ~~and produced in evidence as exhibit RG/4~~. The remaining 2 packets were placed in evidence bag number M00081621 ~~and produced in evidence as exhibit RG/4/1~~.

The cigarettes listed below were placed in the following evidence bags ~~and produced in evidence as~~;

Product	Amount	Evidence Bag Number	Exhibit number
Pect	3 packets of 20 cigarettes	M00081749	RG/2
Golden Gate	5 packets of 20 cigarettes	M00081745	RG/3
Marlboro	1 packet of 20 cigarettes	M00081746	RG/4
NZ Black	2 packets of 20 cigarettes	M00081747	RG/5
NZ Gold	3 packets of 20 cigarettes	M00081748	RG/6
Monte Carlo	4 packets of 20 cigarettes	M00081744	RG/7

The L&M Blue were known to me as a brand owned by Philip Morris. Therefore of the 5 packets of L&M Blue seized 3 packets were placed inside evidence bag number M00081750 ~~and produced in evidence as exhibit RG/8~~. The remaining 2 packets were placed in evidence bag number M00081621 ~~and produced in evidence as exhibit RG/8/1~~.

The tobacco products listed below were placed in the following evidence bags ~~and produced in evidence as~~;

Product	Amount	Evidence Bag Number	Exhibit number
LD	20 packets of 20 cigarettes	P00098782	RG/9
Cutters Choice	2 x 50g pouches	M00081742	RG/10



Golden Virginia is known to me as a brand owned by Imperial Tobacco. Therefore of the 4 pouches of Golden Virginia which were located under the till, 2 were placed inside evidence bag number M00081743 and produced in evidence as exhibit ~~RG/11~~. The remaining 2 pouches were placed in evidence bag number M00081626 and produced in evidence as exhibit ~~RG/11/1~~.

The tobacco products listed below was placed in the following evidence bag and produced in evidence as;

Product	Amount	Evidence Bag Number	Exhibit number
Golden Virginia	15 x 50g pouches	P00098783	RG/12

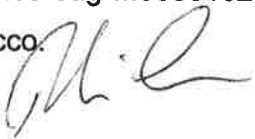
In total 1100 cigarettes and 1.8kg of hand rolling tobacco was seized from The Polish Shop, 62 Winchester Street, Salisbury, SP2 7QY.

Photographs were taken for the tobacco seized from The Polish Shop. I produce the 11 photographs in evidence as exhibit RG/13 signed and dated by me.

After the tobacco products were placed inside evidence bags I revisited The Polish Shop, 62 Winchester Street, Salisbury and handed the person behind the till a list of items seized from the shop earlier that day. I was unable to understand him when i asked for his name, instead I asked him to sign my notebook.

On 16 July 2014 I contacted Marks & Clerk Solicitors, representatives of tobacco company Phillip Morris. I advised them that I would like them to check the authenticity of L&M Link and L&M Blue cigarettes. I then posted evidence bag M00081621 containing exhibits RG/1/1 and RG/8/1 to Marks & Clerk Solicitors,

On 16 July 2014 I emailed Stephen Horsey of Imperial Tobacco. I advised him that I would like him to check the authenticity of Golden Virginia tobacco. I then posted evidence bag M00081626 containing exhibit RG/11/1 to Stephen Horsey of Imperial Tobacco.



On 18 July 2014 I wrote to Malgorzata Gumula requesting that she provide me copies of any receipts she had for the products seized and for CCTV images for the previous 28 days. In this letter I gave her a deadline to respond, Friday 1 August 2014, however the receipts and CCTV images were not received by this or any other date.

On 8 August 2014 I wrote to Malgorzata Gumula requesting an interview under caution and as a result of this letter the interview was conducted on 27 August 2014 at the Wiltshire Council Offices, Bourne Hill, Salisbury, SP1 3UZ. The interview commenced at 10.12 hours and concluded at 10.38 hours. Also present during the interview was Senior Public Protection Officer Emma Carroll.

~~I produce in evidence the CD recording of the interview as exhibit **RG/MG/1** and the transcript of the interview as **RG/MG/2**.~~

On 11th August 2014 the department received confirmation from Imperial Tobacco that the two pouches of Golden Virginia Tobacco (exhibit RG/11/1) which had been sent to him were genuine.

Signed..........

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STATEMENT OF WITNESS

C.J.A. Statement

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)

STATEMENT OF

Emma Carroll

Age of Witness

over 18

(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

Occupation of Witness:

Senior Public Protection Officer

This statement, consisting of ... 2... pages each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the ... fifteenth ... day of ... January ... 2015.

I am a Senior Public Protection Officer employed by Wiltshire Council in the Trading Standards Service. In July 2014 the Department participated in Operation Henry, an intelligence led project visiting businesses which had allegedly been involved in the sale of illegal tobacco with the assistance of specially trained tobacco dogs and a handler.

On 15th July 2014 Robin Green and myself met with Adam Vizard of Wagtail UK Ltd in Salisbury to carry out a number of visits.

At approximately 9:20 hrs Robin Green and I entered The Polish Shop, 62 Winchester Street, Salisbury SP2 7QY. There was a female working behind the counter of the shop. Robin Green explained the purpose of our visit and the lady said she would ring her boss. I then saw Robin Green speak into a mobile phone.

We closed the shop and Adam Vizard carried out the inspection of the shop. When the dog got to the counter behind the till he indicated there was tobacco present. I went to the area where there were a number of empty carrier bags. Underneath there were further bags which contained cigarettes and tobacco. I handed these to Robin Green.

We then went to a storeroom at the rear of the shop where the dog had indicated further signs of tobacco. More tobacco was found which was seized by Robin Green.

Signed... EA Carroll



A lady then came into the shop. She told me she was Malgorzata Gumala, the owner. I advised her what we had found and that we would be seizing the tobacco products as they failed to bear the appropriate health warnings as required by the Tobacco Products (Manufacturer, Presentation and Sale) (Safety) Regulations 2002 and failed to bear the UK duty paid fiscal mark as required by the Tobacco Products Duty Act 1979. At 09:35 hours I cautioned Ms Gumala who then told me she would not be able to provide receipts for the tobacco as she had bought it in Poland for personal use. Robin Green advised her he would contact her to arrange an interview in accordance with the Police and Criminal Evidence Act 1984. We then left the shop at approximately 09:45 hours.

Just outside the shop we discussed inspecting Ms Gumala's vehicle. We went back into the shop and she agreed to this. She showed us to a Ford Mondeo (VRM CA05 JMU) which was parked a short distance from the shop. Inside the vehicle we found further cigarettes which were seized by Robin Green.

On 27th August 2014 Ms Gumala was interviewed by Robin Green and myself at Wiltshire Council's Bourne Hill office concerning the tobacco which was found at her shop. This interview was conducted in accordance with The Police and Criminal Evidence Act 1984.

Signed... 

STATEMENT OF WITNESS**C.J.A. Statement**

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)

STATEMENT OF**Robin Green****Age of Witness****over 18**

(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

Occupation of Witness:**Senior Public Protection Officer**

This statement, consisting of ... 1... page each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.


Dated the 15th day of January 2015 -

I am employed by Wiltshire Council as a Senior Public Protection Officer (Trading Standards) within the Public Health and Public Protection Service.

At 9.20 hrs on 15th July 2014, I visited the Polish Shop, 62 Winchester Street, Salisbury for the purpose of detecting any illegal tobacco on the premises. A woman with fair hair who spoke with a Polish accent was standing behind the counter. I was present when she telephoned the owner of the business, Magorzata Gumula, who she claimed was the owner. I do not know the name of the lady behind the counter but during the interview I conducted with Malgorzata Gumula on 27th August 2014, she stated that the woman was a cousin and not an employee.

Later in the day on 15th July 2014, I returned to the Polish Shop to provide a list of the items I had seized from the premises earlier that day. There was a man behind the counter. I asked for his name but I was unable to understand his reply. Ms Gumula claimed at her interview that he was another cousin and not an employee.

On 30th October 2014 I again visited the Polish Shop following the sale of alcohol and cigarettes to a person under the age of 18. The underage purchaser had described the

Signed..... 

seller to me as a female with black hair and glasses. I entered the shop immediately after the sale and found a woman serving behind the counter who matched the description I had been given. She was Polish, spoke very little English and gave her name as Aleksandra Bonus. When I interviewed her about the underage sale on 26th November 2014 she claimed she had been working in the shop on a shift basis for approximately 10 days at the time the sale took place.

I can state that I have observed 3 separate individuals behind the counter at the Polish shop on 3 separate occasions. On each occasion, the person has been alone in the shop.

Signed..........

Identification of Exhibit Criminal Procedure Rules R27

This is the: 11 photographs

Referred to in my statement dated: 24/9/14

As Exhibit Number: RG/13 Signed: [Signature]





**Курение - причина
развития сердечно-
сосудистых и раковых
заболеваний**

6
A



ИЗДЕЛОВАНО В КАЗАХСТАНЕ
8203

010913214

АКШЫЗЫ
ТҮНДҮБҮЙ ВЪЕЗД



Яркая табачная культура

100 сигарет
с фильтром
Мягкая табачная смесь
АМЕРИКАНСКОГО
ТИПА

СОДЕРЖАНИЕ В ДЛИНЕ СМЕРКАТОРА:
НИКОТИНА - 0,8 МГ
СМОЛЫ - 10 МГ, СО - 10 МГ



6
B

AMERICAN BLEND
BLUE



GOLDEN GATE

Smoking
seriously harms
you and others
around you



GOLDEN GATE

MADE BY
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BY ARRANGEMENT WITH
WEST PARK TOBACCO INC.,
RICHMOND, VA., U.S.A.



GOLDEN GATE

FOR DUTY FREE
SALE ONLY

Tar
7 mg
Nicotine
0,6 mg
Carbon Monoxide
9 mg



KP/BP 0950652



STYLE
APPRECIATED
WORLDWIDE

**Chronicie
dzieci - nie
zmuszajcie ich do
wdychania dymu
tytoniowego**



04108503191016100



MENTHOL
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20/200 PAPIEROSÓW Z FILTREM
OPAKOWANIE TRANSPORTOWE DO
HANDLU HURTOWEGO

121108U GLS G9Y 3W8

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99-220 Wartkowitz
Made in the EU

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PRODUKT JTI INTERNATIONAL



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**Smoking may
reduce the
blood flow
and causes
impotence**

Super Slims

Gold



Курение - причина
инфарктов и
инсультов

Курение
инфарктов и
инсультов



Supra

Курение - причина
развития сердечно-
сосудистых и раковых
заболеваний

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Mrs Malgorzata Gumala
The Polish Shop
62 Winchester Street
Salisbury
Wiltshire
SP1 1HL

Public Protection Service
First Floor
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

2nd October 2014

Tel: 01225 713286
Email: emma.carroll@wiltshire.gov.uk
Our Ref: EAC

Dear Mrs Gumala

Notification of Intention to Undertake Test Purchasing Exercise

Wiltshire Council Trading Standards service enforce the laws relating to the sale of age restricted products to children including items such as knives, tobacco and alcohol. I am writing to inform you that, in the near future, officers from this Department will be conducting test purchases of age restricted items using underage volunteers. It is possible your premises will be visited.

I would like to take this opportunity to remind you and your staff to be diligent at all times, and request identification to show proof of age where necessary, to prevent the sale of items to those underage. As an employer you are responsible for ensuring all employees are trained and familiar with your own procedures. Therefore if you, or your staff, doubt whether a customer is of age, or whether their ID is genuine, **refuse to sell**. You do not have to give a reason.

In the past trading standards has supplied businesses with training materials. An online training resource has been developed for retailers of age restricted products. If you would like further information on complying with underage sales legislation please see www.swercots.org.uk/NPOANS.

I must warn you that any sales made during this exercise will be viewed most seriously and if found guilty of selling age restricted products to those underage, your staff could receive an £80 penalty notice for disorder (for alcohol only) and you could face a fine of up to £10,000 and/or possibly have your licence revoked.

It is not necessary for you to respond to this letter but please do not hesitate to contact us on 01225 713286 should you require any further advice or information.

Yours sincerely

Emma Carroll
Senior Public Protection Officer (Trading Standards)

Wiltshire Council
Where everybody matters

Public Protection Service

Identification of Exhibit Criminal Procedure Rules R27

This is the: **LETTER TO MALGORZATA GUMALA (ENGLISH)**

Referred to in my statement dated: **13/11/14**

As Exhibit Number: **EAC1** Signed: **EA Carroll**

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Mrs Malgorzata Gumala
The Polish Shop
62 Winchester Street
Salisbury
Wiltshire
SP1 1HL

Public Protection Service
First Floor
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

2 Październik 2014

Tel: 01225 713286
Email: emma.carroll@wiltshire.gov.uk
Nasz numer ref:
EAC

Droży Pani Gumala

Powiadomienie o Zamiarze Przeprowadzenia Ćwiczeń Testu Zakupu

Wydział Handlu Rady Wiltshire ustawowo wprowadza w życie orgom praw związanych ze sprzedażą artykułów niewskazanych osobom nieletnim takich jak wyroby tytoniowe i alkohol. Piszę, by Państwa powiadomić, że w niedalekiej przyszłości, oficerowie z tego departamentu będą przeprowadzali testy zakupu takich właśnie artykułów, przy pomocy nieletnich ochotników. Możliwe, że odwiedzimy Państwa lokal.

Chciałabym podjąć tę sposobność i przypomnieć Państwu i Państwa pracownikom, by byli systematyczni przez cały czas i żądali okazania dokumentu stwierdzającego wiek nabywcy, gdy istnienie jakakolwiek niepewność, aby uniknąć sprzedaży osobom nieletnim. Jako pracodawcy, są Państwo zobowiązani aby upewnić się, iż Państwa pracownicy znają zasady obowiązujące w Państwa miejscu pracy. Dlatego też, jeżeli Państwo, lub Państwa pracownicy, nie są pewni co do wieku kupującego, lub co do autentyczności okazanego dokumentu stwierdzającego wiek nabywcy, **odmawiają Państwo sprzedaży**. Nie muszą Państwo podawać powodu.

W przeszłości Wydział Handlu dostarczał do lokali sprzedaży materiały szkoleniowe. Nowy system szkoleniowy online został stworzony dla sprzedawców artykułów niewskazanych osobom nieletnim. Jeżeli chcieliby Państwo uzyskać dalszej informacji na temat sprzedaży nieletnim, prosimy odwiedzić stronę www.swercots.org.uk/NPOANS.

Muszę Państwa ostrzec, iż jakiegokolwiek sprzedaże dokonane podczas tego ćwiczenia będą traktowane szczególnie surowo i jeżeli będą Państwo winni sprzedaży artykułów niewskazanych osobom nieletnim, Państwa pracownicy mogą otrzymać mandat za niepodporządkowanie w wysokości £80 (za samą sprzedaż

Wiltshire Council

Where everybody matters

Public Protection Service

Identification of Exhibit Criminal Procedure Rules R27

This is the: **LETTER TO MALGORZATA GUMALA (POLISH)**

Page 71 referred to in my statement dated: **13/11/14**

As Exhibit Number: **EAC2** Signed: **SA Carroll**

8 A

alkoholu) a Państwu może grozić kara w wysokości do £10,000 i/lub odebranie licencji.

Nie muszą Państwo odpowiadać na ten list, ale proszę o niezwłoczny kontakt po numerem 01225 713557 (Północne i Zachodnie Wiltshire) lub pod 01722 438069 (Salisbury i Wschodnie Wiltshire) jeżeli chcieliby Państwo uzyskać dalszej porady lub więcej informacji na ten temat.

Z poważaniem

Emma Carroll
Wyższy Oficer ds Ochrony Publicznej (Wydział Zasad Handlu)

STATEMENT OF WITNESS

C.J.A. Statement

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)

STATEMENT OF

Robin James Green

Age of Witness

over 18

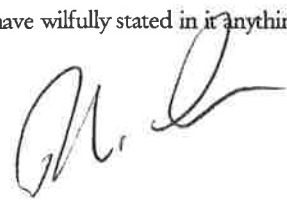
(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

Occupation of Witness:

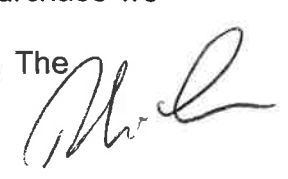
Senior Public Protection Officer

This statement, consisting of 3 pages each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

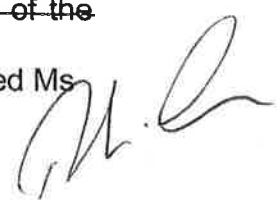
Dated the 10th day of November 2014



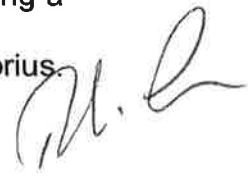
I am a Senior Public Protection Officer employed by Wiltshire Council in the Trading Standards Service. On Thursday 30th October 2014 I was involved in a test purchasing operation as part of the Department's programme of enforcement under the Licensing Act 2003 and Children and Young Persons Act 1933. At approximately 16.45 hours I met my colleague, Senior Public Protection Officer Emma Carroll, at a car park in Durrington. With Ms Carroll was a child volunteer aged 16 years and 3 months. The child was briefed by myself and Ms Carroll. We explained that she should answer all questions honestly. Prior to each visit the child volunteer was given money with which to make the test purchase. We parked our vehicle at Salt Lane Car Park in Salisbury and advised the volunteer that rather than being in the shop at the time of the attempted test purchase we would be using a covert camera which was situated inside a handbag. The



recording equipment was then checked by my colleague Emma Carroll and at approximately 18.13 hours on 30th October 2014 I saw the volunteer enter The Polish Shop, 62 Winchester Street, Salisbury, SP1 1HL. At approximately 18.16 hours I saw the volunteer leave the shop and make her way to me. Throughout the test purchase I was standing on the pavement to the left of the shop whilst my colleague Emma Carroll was on the opposite side. As the volunteer left the shop she handed me a bag containing a bottle of beer and a packet of 20 Marlboro. The volunteer said that the seller was female, had black hair and wore glasses. She said she wasn't asked for her age or for identification. We then made our way back to my vehicle and the items were placed inside evidence bags. The bottle of beer was placed inside MPSC37102046 and the packet of cigarettes was placed inside N00151860. ~~I produce the bottle of beer in evidence as exhibit RG/1 and the packet of cigarettes as exhibit RG/2.~~ I then made my way back to the shop and introduced myself to the person standing behind the counter. She matched the description given to me by the female volunteer. I advised her that we had conducted a test purchasing operation and that I suspected her of selling alcohol and tobacco to a person under the age of 18. At this time it was clear that she spoke very little English but understood enough to know what I was saying. I then asked the suspected seller to print her name in my notebook and provide me her home address. She gave her name as Aleksandra Borius and her address was Flat 5, 59 Park Street, Salisbury, SP1 3AT. Whilst in the shop I made my way behind the checkout and saw Wiltshire Council letters sent to the owner of the shop by my colleague Emma Carroll. ~~I took 2 photographs of the letters and produce them as exhibit RG/3 signed and dated by me.~~ I advised Ms



Borius that I would interviewing her in connection with this matter and would be contacting the owner of the shop Malgorzata Gumula. When back in the office I took a photograph of the RG/1 (bottle of beer) which I produce in evidence as exhibit RG/4 signed and date by me. I also took a photograph of RG/2 (packet of 20 Marlboro cigarettes) which I produce in evidence as exhibit RG/5 signed and dated by me. On 4th November 2014 I phoned Malgorzata Gumula advising her that I would be writing to her about this incident requesting an interview under caution. I explained that this would not be immediately as I would be arranging a suitable interpreter and translator for Ms Borius.



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MPSC37102046



Office/OU	Case No.	Article / Detail
Location	Quantity	Lot / Ref No.
Description of evidence	RECEIVED THIS EVIDENCE AS THAT REFERRED TO IN MY STATEMENT	
Origin / Place of seizure	Signature:	
Seized by	Signature of Police Officer(s)	
Date	Seized by	Time
	Used	



Wiltshire Council

Public Protection Service

Identification of Exhibit Criminal Procedure Rules R27

This is the: Photograph of RG/1 (Bottle of beer)

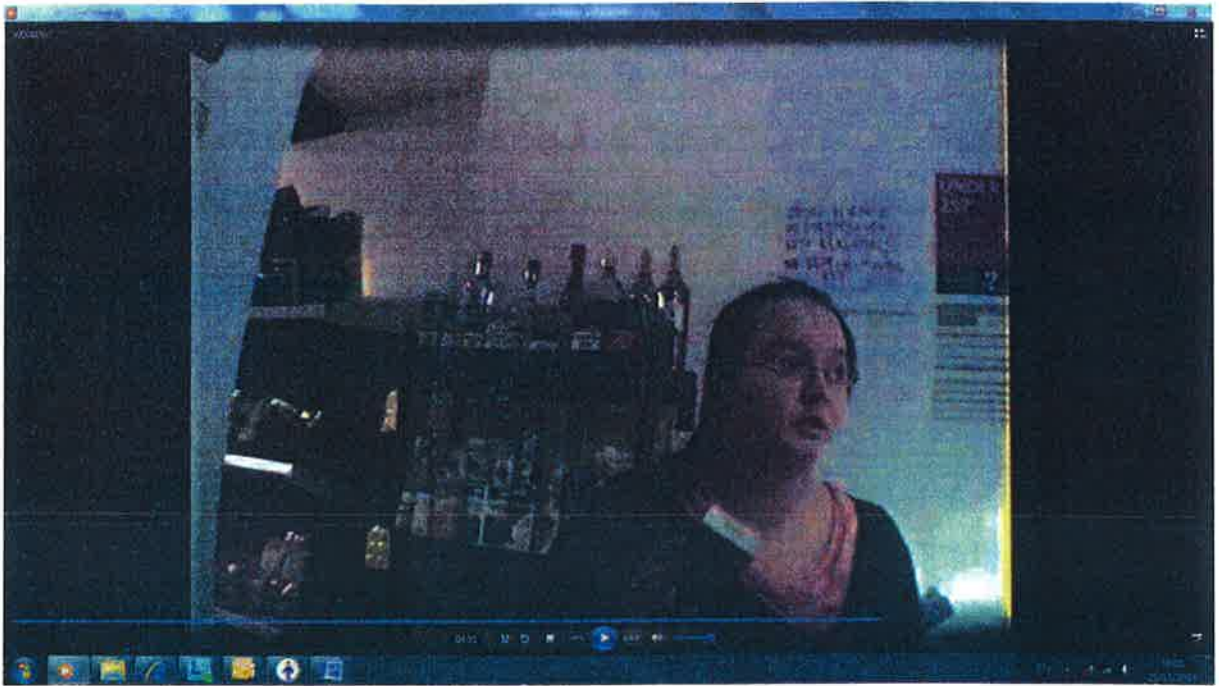
Page 77 Referred to in my statement dated: 10 November 2014.

As Exhibit Number: RG/4 Signed: [Signature]



Wiltshire Council Wiltshire Council Authority **Public Protection Service**
Identification of Exhibit Criminal Procedure Rules R27
This is the: Photograph of RG/2 (Pack of cigarette)
Referred to in my statement dated: 10 November 2014
As Exhibit Number: RG/5 Signed: [Signature]

10
A



Wiltshire  **Public Protection Service**

Identification of Exhibit Criminal Procedure Rules R27

This is the: *stills from recording.*

Referred to in my statement dated: *17 December 2014*

As Exhibit Number: *RG/6* Signed: 

10 B

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Polish shop
62 Winchester Street
SP1 1HL
Salisbury
07874997606

20.10.2014

I (Malgorzata Gumula) –the shop owner – give permission to my employee Aleksandra Bonus to sell alcohol and tobacco products,when I am not in the shop.

Aleksandra is fully aware about policy ‘‘Challenge 25’’ and I have explained ,that she must ask anyone,who want to purchase any alcohol or tobacco products,to show her, their proof of ID,if they look under 25 years old.

Aleksandra understands that selling alcohol or cigarettes to under age customers is against the law,she is aware about consequences,if she make a mistake.

Aleksandra also understands the health and safety policy as an employee.

Employers signature:



Employees signature:



WHITE
Public Protection Service
Identification of Exhibit Criminal Procedure Rules R27
This is the: letter dated 20/10/2014.
Referred to in my statement dated: 17 December 2014.
As Exhibit Number: RG/11 Signed: [Signature]

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Agenda Item 5k

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 Yvonne Bennett of Wiltshire Council, Trading Standards

(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 The Polish Shop 62 Winchester Street	
Post town Salisbury	Post code (if known) SP1 1HL

Name of premises licence holder or club holding club premises certificate (if known) Malgorzata Gumula
--

Number of premises licence or club premises certificate (if known) 7893

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - 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 Yvonne Bennett Trading Standards Manager Wiltshire Council County Hall Bythesea Road Trowbridge Wiltshire BA14 8JD
Telephone number (if any) 01225 713556
E-mail address (optional) yvonne.bennett@wiltshire.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 type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

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

Grounds for review A - Prevention of Crime and Disorder.

1. In March and April 2014, Trading Standards received intelligence that illegal tobacco and alcohol products were being sold at the The Polish Shop.

2. On 15th July 2014 Trading Standards Officers seized a significant quantity of cigarettes and hand rolled tobacco found on the premises. The products were labelled in various languages and were found to be illegal because the packaging did not bear the appropriate health warnings and failed to carry a UK duty paid fiscal mark.

3 Malgorzata Gumula claimed that the illegal products were for personal use and were not in her possession for supply. However, they were found on the shop premises, underneath the till area and in a store room. Some were also found in her vehicle.

4. The shop appeared to be under the control of inexperienced volunteers

Grounds for review B - Protection of Children from harm

1. At the beginning of October 2014, Trading Standards received a complaint alleging that alcohol was being sold at the Polish Shop to persons under the age of 18.

2. A test purchase attempt by a 16 year old volunteer resulted in a sale of alcohol on

30th October 2014.

3. On 30th October 2014, the 16 year old volunteer was also sold cigarettes.

4. The person who sold the tobacco and alcohol to the 16 year old spoke very little English and had insufficient retail experience and training to be left alone on the premises selling alcohol and tobacco products.

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

A - Prevention of Crime and Disorder

Grounds for review 1

1. On 7th March 2014 Trading Standards received an anonymous complaint that illegal tobacco and alcohol were being sold at the Polish Shop, 62 Winchester Street, Salisbury. It was alleged that the products were stored off the shop floor and only sold to customers known to staff.

2. On 10th April 2014, further intelligence was received from an anonymous source via the Food Standards Agency. This alleged that the owner/partner/ or an employee was involved in smuggling cigarettes from Poland. The informant claimed to have seen cigarettes being sold from the premises.

Grounds for review 2

1.. On 15th July 2014, at approximately 09.20hrs, Robin Green and Emma Carroll, Senior Trading Standards Enforcement Officers, visited the premises. They were accompanied by a dog handler and sniffer dogs provided by Wagtail UK Ltd, a specialist tobacco detection service. Malgorzata Gumula was not on the premises at the time but Robin Green spoke to her on the telephone and explained that Trading Standards wished to inspect the premises with a tobacco detection dog. .

2.. During the inspection, the dog found illegal tobacco behind the till. Cigarettes and alcohol were discovered in plastic bags located underneath the till area. The dog then led officers to store room at the rear of the shop where more illegal tobacco was found. When Ms Gumula arrived at the premises she was cautioned and asked to provide receipts for the tobacco but she said she would not be able to provide any because she had brought it in from Poland for personal use. Ms Gumula agreed to allow the officers to inspect her vehicle which was parked a short distance from the shop. Further illegal tobacco products were found inside the vehicle. In total, Trading Standards Officers seized 1,100 cigarettes and 1,150 grams of hand rolled tobacco comprising 11 different brands, in packaging marked in various languages eg Polish, German, English and Russian.

3.. The tobacco seized was illegal on two counts.

Firstly, the packaging did not bear the appropriate health warnings as required by the Tobacco Products (Manufacture, Presentation and Sale)(Safety) Regulations 2002. The legislation requires that each packet is marked with the warning 'smoking kills' or 'smoking seriously harms you and others around you'. An additional picture warning is also required. None of these health warnings were present on either the cigarettes or hand rolled tobacco.

Secondly, the tobacco did not carry a compliant duty paid fiscal mark as required by the Tobacco Products duty Act 1979.

(Supporting evidence - Exhibit Schedule 1 & 2

Grounds for review 3

1.. When the personal licence holder, Malgorzata Gumula was interviewed by Trading Standards, she claimed that the products were for personal use or were gifts and were not in her possession for supply. However, the amount of illegal tobacco found on the premises seems greater than would be expected for personal use. If the products were indeed for personal use, they should not have been stored on the

shop premises, particularly in the area under the till near the point of sale, which was being staffed by inexperienced volunteers.

Ground for review 4

1..Robin Green, the Trading Standards enforcement officer visited the shop twice on 15th July 2015.

The first occasion was at 09.20 hrs when he found a fair haired lady who spoke with a Polish accent standing behind the counter. Ms Gumula was asked at her interview who this lady was. She said the lady was a cousin and was not an employee.

The second occasion Robin Green visited was later the same day. He approached a man standing behind the counter and asked him for his name. The man replied but Robin Green could not understand him. At her interview Ms Gumula said the man was another cousin and was not an employee. He was visiting on a 2 month holiday.

(Supporting evidence - Exhibit Schedule 3)

2. At her interview, Ms Gumula claimed that she was in the shop the majority of the day however, on both occasions when Trading Standards visited the premises, there was a different person behind the counter and on both occasions that person was alone in the shop. Bearing in mind that neither of these people were employed by Ms Gumula and at least one of them spoke very little English and was inexperienced, it was not appropriate to leave them unsupervised and in charge of the business.

B - Protection of Children from Harm

Grounds for review 1

1. At the beginning of October 2014, Trading Standards received a complaint from an employee of Wiltshire Council that the Polish Shop in Winchester Street, Salisbury was selling alcohol to persons under the age of 18. Her 17 year old daughter had told her that some of her friends, who were also 17, had been to the Polish Shop and purchased alcohol without being challenged about their age.

(Supporting evidence - Exhibit Schedule 4)

Grounds for review 2 & 3

1. On 2nd October 2014, Trading Standards sent a letter to the Malgorzata Gumula informing her that it was likely that in the near future, Trading Standards officers would be visiting the Polish Shop to make test purchases of age restricted products using underage volunteers. The letter reminded Ms Gumula and her staff to be diligent at all times and to request proof of age. It also invited Ms Gumula to contact Trading Standards on a given number for advice or information. In particular the letter pointed out the following to Ms Gumula:

- a) As an employer, she is responsible for ensuring her staff are trained and familiar with her procedures
- b) There is an online training resource available for her use - the website address was given.
- c) If any sales should be made during the imminent test purchasing exercise, it would be viewed very seriously, and
- d) If found guilty of selling alcohol to a person underage, her staff could receive an £80 penalty notice and she could face a fine of up to £10,000. She could also have her licence revoked.

Two copies of this letter were sent to Ms Gumula. One in English and the other in Polish. Ms Gumula did subsequently acknowledge receiving these.

(Supporting evidence - Exhibit Schedule 5)

2. On 30th October 2014 at approximately 6.15pm, a young female volunteer aged 16 years and 2 months entered the Polish Shop closely watched by Trading Standards Officers. She was 5ft 4ins tall. She was sold a bottle of beer and a packet of 20 Marlboro cigarettes by a Polish lady who later gave her name as Aleksandra Bonus. The girl had a covert camera on her which captured and recorded these events.

(Supporting evidence- Exhibit Schedule 6)

Grounds for review 4

1. On 30th October when these sales were made, the shop assistant, Aleksandra Bonus was 21 years of age, spoke very little English and had been in the UK for only approximately 6 months.. She had no previous retail experience and had only been working in the store for 10 days when the sales occurred. Nevertheless, she was left to work almost the whole of a 6 hour shift alone in the shop until it was due to close at 8pm, This was only her second shift working alone.

2. Both Ms Gumula and Aleksandra Bonus were interviewed by Trading Standards following the sales. In terms of training, Ms Gumula said she had given verbal messages to Miss Bonus regarding age restricted products. She had also shown Ms Bonus the letter sent by Trading Standards on 2nd October 2014 which warned that a test purchasing operation was likely to take place. Miss Bonus agreed that she had been shown this letter.

3. Ms Gumula has also produced a letter which she claims was signed and dated by Miss Bonus on her first day of employment. This letter is in English. Ms Gumula claims there is also a Polish version although this has not been produced. It is strange that Miss Bonus was specifically asked at her interview with Trading Standards if she had signed and dated any training material and she said she had not. In any event, this letter is scant and does not constitute adequate training.

(Supporting evidence - Exhibit Schedule 7)

Suggested outcome of the review

It is extremely unusual for Trading Standards to recommend revocation as an outcome of a review. However, in this instance this is thought to be the appropriate recommendation for the following reasons:

i) Two licencing objectives have been breached within the space of three and a half months. Although the licensing objective of preventing crime and disorder has been breached with respect to tobacco rather than alcohol, illegal tobacco and illegal alcohol are closely linked. Those dealing in illegal tobacco are also likely to deal with illegal alcohol. The Polish shop sells both tobacco and alcohol.

ii) Inadequate procedures are in place to prevent the sale of alcohol to those underage. This is demonstrated and reinforced by the fact that alcohol and tobacco were sold on the same occasion to a person under the age of 18.

iii) Inexperienced, inadequately trained staff with poor command of the English language were left alone in charge of the premises when it was known that illegal tobacco was present in the till area and age restricted products were on sale.

Should a revocation not be deemed appropriate, Trading Standards would suggest the following conditions:

i) No alcohol or tobacco for personal use or intended as a gift must be kept on the premises.

ii) Only employees of the business who have been formally trained on age restricted sales may serve behind the counter.

iii) Inexperienced staff must not be left alone on the premises.

iv) Full training records must be kept and should be available for inspection by an officer of Trading Standards at any reasonable hour.

v) The sale of alcohol should be temporarily stopped for an appropriate period of time as required to satisfy Trading Standards that conditions are met.

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

.....

Date

.....

Capacity Trading Standards Manager

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Mrs Yvonne Bennett
Trading Standards Manager
Public Health and Public Protection
County Hall
Bythesea Road

Post town

Trowbridge

Post Code

BA14 8JD

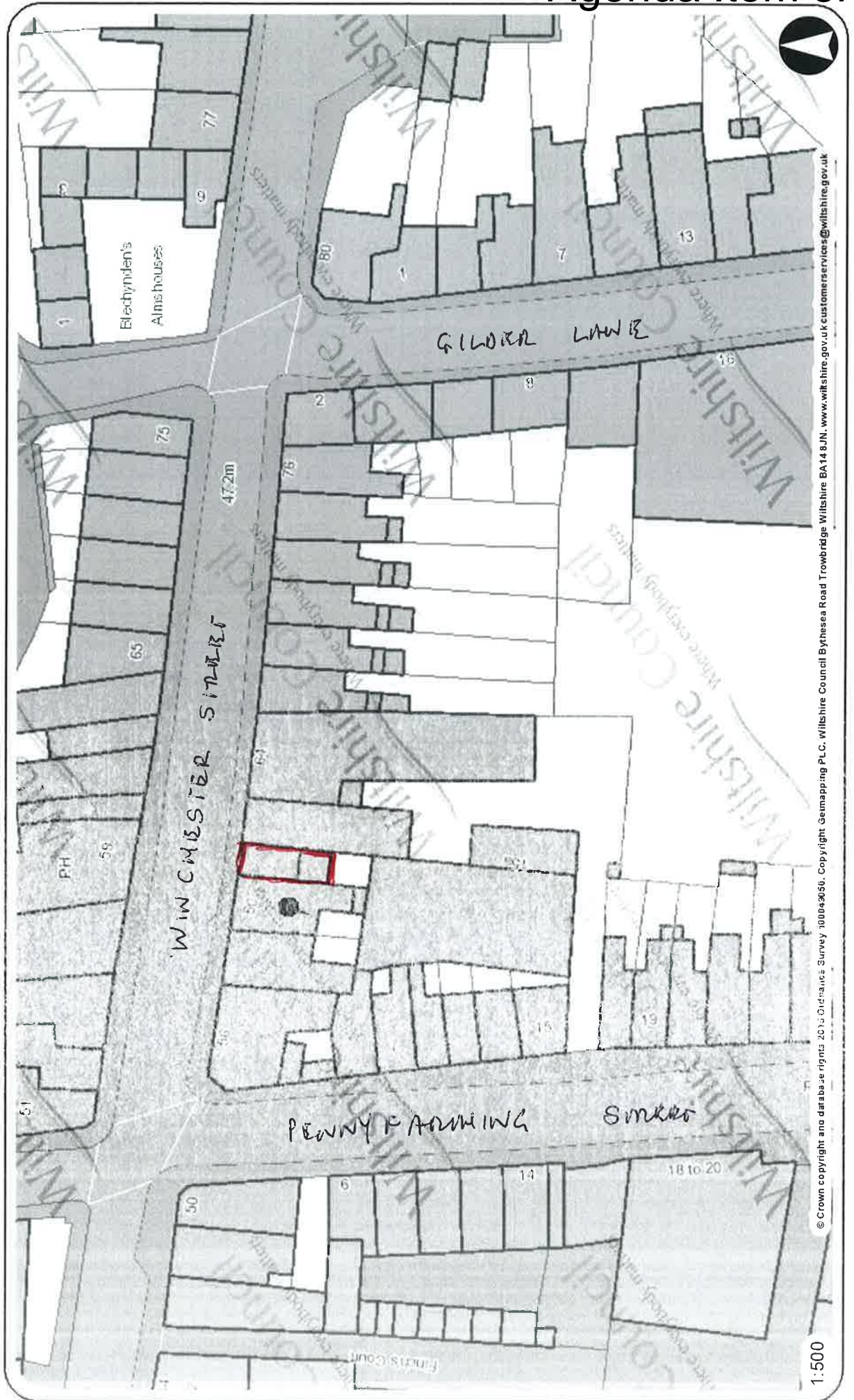
Telephone number (if any) 01225 713556

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) yvonne.bennett@wiltshire.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.

Date: 25 Feb 2015
Centre Coordinate: 414,736 130,017



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