



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

I PC 512 Jason Pearce, on behalf of the Chief Officer of Hampshire Constabulary,
(Insert name of applicant)

Apply for the review of a premises licence.

Apply for the review of a club premises certificate.

(Select as applicable)

Make a representation about a premises licence/club premises certificate

Premises or Club Premises details

Postal address of premises:	MilPol Ltd Unit 19 Greywell Shopping Centre Greywell Rd Leigh Park Havant
Postcode (if known):	PO9 5AH

Name of premises licence holder or club holding club premises certificate (if known)	Milpol Ltd
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Number of premises licence or club premises certificate (if known)	HPR0322
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Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC 512
Surname: Pearce	First Names: Jason
Current postal address :	Havant Police Station Civic Centre Rd Havant
Postcode:	PO92AN
Daytime telephone number:	101 - ext 4641503
E-mail address: (optional)	jason.pearce@hampshire.pnn.police.uk



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Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003



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

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

Select one or more
boxes

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

Hampshire Police seek a review of the premises licence at Milpol, Polish food and drink convenience store, 19 Greywell precinct, Leigh Park, Havant.

The criteria for such an application is outlined in section 51 of The Licensing Act 2003.

Milpol currently has a licence to sell alcohol between 0900 - 2100 Monday to Friday and 0900 - 1900 Saturday to Sunday.

The application is sought under the licensing objectives of 'the prevention of crime and disorder' and 'the protection of children from harm' .

The rationale for the Police to request a review of the premises licence is due to serious failings at the premises which include alcohol being sold without an 'active' DPS linked to the premises, a 16 year old female working alone at the premises whilst selling alcohol and non compliance with the CCTV condition of the premises licence. The issue of a 16 yr old selling alcohol whilst being alone at the shop is further aggravated by the fact that after the Police test purchase operation on 28/03/17 which resulted in the failure, the premises licence holder was advised of the failure, however the following day still allowed the 16 year old to work alone at the premises with alcohol on display, available for sale.

Collectively these are serious concerns, in particular allowing a 16 year old to be responsible for alcohol sales whilst working alone at the premises. The continuance of this issue after management were advised of the test purchase failure shows a complete disregard for the law and promotion of licensing objectives. For a person to sell alcohol at the shop they must be 18 or over and have authorisation from a personal licence holder (ideally the DPS) to sell the alcohol. It is no doubt a factor of this offence that the named DPS on the premises licence, a Mr Piotr Dudak has been unconnected to the business since 27th January 2017. See appendix 1 - email correspondence between PC Pearce and Piotr Dudak.

Details of failings:

On 28th March 2017 at approximately 16:30hrs Police conducted a test purchase operation at Milpol. A 16 year old test purchaser was used, 9 years from the 'challenge 25' threshold.



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A lone staff member was working at the shop - Natalia Zaborwska who was 16 years old herself (born August 2000).

Natalia sold a bottle of beer to the test purchaser without requesting ID. When spoken to afterwards she confirmed she was alone at the shop and had been working alone there all day. When asked about 'challenge 25' she was unaware of what it meant and confirmed that she had not received any training in basic licensing matters.

Natalia has been working at the shop since November 2016 by her own admission. In the Police opinion, she is herself a victim in this case due to her age and lack of management guidance. No action has been taken against her personally. The Police reference to this offence is RMS 44170118164 - see appendix 2

The following morning (29th March) PC Pearce phoned the phone number listed on the premises licence (07415 868994) and spoke to a Mr Sinkowski who is apparently one of the premises licence holders (listed as Milpol Ltd). The failed test purchase was explained to him and concern raised regarding the lone 16 year old working and selling alcohol at the shop. He was asked to meet at the shop that day but he declined saying he was busy. Consequently a future appointment was made to meet at the shop on the 3rd April.

It was the intention of PC Pearce to view the CCTV over the past month to examine how often Natalia had been working alone and also how often the DPS had been at the shop. It was suspected that the DPS (Mr Dudak) was very much an absent and unconnected entity. PC Pearce explained to Mr Sinowski that the intention of meeting up was to view the CCTV footage. This was also an opportunity for Mr Sinkowski to show that the DPS had been present if this was the case. PC Pearce asked for the CCTV footage to be retained.

It was clear that following on from the test purchase failure on the 28th March Mr Sinowski had the opportunity to ensure the 16 year old Natalia Zaborwska was not put in the same position again the following day.

PC Pearce went to the shop on the afternoon of 29th March to check who was present. It was a surprise to see 16 year old Natalia still working alone with alcohol still on display and available for sale. She advised that that Mr Sinkowski had been at the shop that morning but had left at 1pm. Clearly he could have met PC Pearce at the shop that day to allow the CCTV to be viewed and he also had the ability to ensure that Natalia was not left alone with alcohol on sale.

There were only 4 bottles of beer on display but it was still available for sale so the quantity is irrelevant. Also there could have been more alcohol in the store room to replenish shelves when sold. PC Pearce explained to Natalia on the 29th March that if a customer of any age had come in and taken alcohol to the till, she would have sold it. She accepted this. She confirmed that she had not been told to not sell alcohol. The fact that she was in that position on the 28th is bad but to still be in the same position on the 29th after the premises licence holder had been spoken to gives the impression the management do not care about legal requirements. PC Pearce asked Natalia to show him the CCTV but she could not work it. It is a requirement of the premises licence for CCTV to be retained for 30 days and provided to Police and council upon request. This results in a breach of premises licence condition and had frustrated the investigation (see premises licence).



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Natalia informed PC Pearce that her father, a Mr Maciek Postaremczak, was one of the premises licence holders too. (Not sure why they have different surnames?) His telephone number is 07577921347.

On 3rd April PC Pearce went to the shop as planned to meet up with Mr Sinkowski but the front of shop shutters were down, so the shop was clearly closed. PC Pearce had received no communication to cancel the meeting.

After numerous efforts to contact both Mr Sinkowski and Mr Postaremczak by phone, PC Pearce eventually spoke to Mr Sinkowski on 6th April. Mr Sinkowski advised the shop was shut temporarily. PC Pearce stressed that he needed to have the contact details of the DPS Mr Dudak and that he also needed to view the CCTV footage over the month prior to the failure to see if the DPS was present and when the 16 year old was working there. Mr Sinkowski advised to call Mr Postaremczak. Efforts were made several times but no reply on the phone.

Mr Sinkowski took PC Pearce's mobile and email and said he'd get the DPS Mr Dudak to call PC Pearce on Friday 7th or Saturday 8th in the evening. As we know from Mr Dudak's email on 19th April 2017, he was not linked to the premises at that time and the premises licence holder would have known that.

Mr Dudak never called PC Pearce as Mr Sinkowski had advised. Whilst time was passing CCTV evidence was being lost due to the 30 day retention period. The shop continued to be closed with shutters down so there was no opportunity to visit.

Follow up phone calls were made to both Mr Sinkowski and Mr Postaremczak but no reply from both.

It was suspected that there was an intention to prevent viewing of the CCTV as it may show further evidence of 16 yr old Natalia working there alone and also show an absence of a DPS.

On 10th April Steve Lawford of Trading Standards was able to obtain a phone number for Mr DUDAK and passed it to PC Pearce. PC Pearce called this number on the 19th April after returning from leave and it was 'switched off' The number was (0786 5599 372).

Also on the 10th April, Mr Dudak formally withdrew as DPS at the premises, writing to Havant council to advise them of this. This was probably as a result of the recent communications from both Police and Trading Standards (see appendix 3 - email confirmation from Havant Council and application to withdraw as DPS)

In summary the premises licence holder has frustrated the Police investigation into what is a serious offence. It is extremely rare for the sale of alcohol to a person under 18 to be made by a 16 year old. It is probably even more rare for a the same scenario to continue after management had been advised of this offence.

(A) REPRESENTEE DETAILS (fill in as applicable)

Mr Mrs Miss Ms
Other title (for example, Rev)

Surname

First names

Are you over 18 **Yes**

**Hampshire County Council
Trading Standards Service
Montgomery House
Monarch Way
Winchester, Hants**

Post Town Postcode

Contact telephone number in working hours

Email address (optional)

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

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

Hampshire County Council Trading Standards Service wish to make a representation

regarding Hampshire Constabulary's Review of a Premises Licence issued under the Licensing Act 2003, for :-

**Milpol Ltd
Unit 19 Greywell Shopping Centre
Leigh Park, Havant
Hants
PO9 5AH**

We are a responsible authority.

On 13 February 2017 Trading Standards Officer (TSO) Lawford visited this premise and found a 16 year old female alone in the shop. There were 73 bottles of polish vodka offered for sale and when TSO Lawford checked them he found that every bottle did not contain a 'duty stamp' to prove that UK duty had been paid. This is a criminal offence.

On 14 February 2017 TSO Lawford emailed the licence holders asking for an invoice for the vodka. The licence holders replied and agreed to attend an interview on 20 February 2017. They did not attend, but later telephoned TSO Lawford and admitted they did not have an invoice as they had purchased the vodka from a man who offered them to buy the vodka.

Havant Borough Council licensing officers had visited the shop on 7 February 2017, no vodka was on the premises.

This could be a coincidence or a sinister act that the vodka appeared on the shelves 6 days after their inspection.

The same 16 year old female seen by TSO Lawford then sold alcohol to an underage volunteer on the police test purchase operation.

We agree with Hampshire Constabulary that the adding of conditions to the premise licence is not appropriate. The premise licence holders are clearly not upholding the licensing objectives and the only proportionate and appropriate action to take is revocation of the premise licence.

Signature of representee or representee's solicitor or other duly authorised agent. If signing on behalf of the representee, please state in what capacity.

Signature.....

S. Lawford

.....

Date...20/05/17.....

.....

Capacity.....Senior Trading Standards Officer

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

N/A

Post town

Post code