

**Swindon Borough Council
Licensing Act 2003 – Licensing Panel**

NOTICE OF HEARING

Date of Hearing: Wednesday, 29 March 2017

Place of Hearing: Committee Room 2, Civic Offices

Time of Hearing: 3.00 p.m.

Panel Members:

Conservative Councillors

Caryl Sydney-Smith

Vera Tomlinson

Labour Councillors

Peter Watts

Committee Officer: Shaun Banks (Telephone 01793 463606)

Email: email: sbanks@swindon.gov.uk

Address: Swindon Borough Council, Civic Offices, Euclid Street, Swindon SN1 2JH

AGENDA

1. Appointment of Chair

2. Apologies for Absence

3. Declarations of Interest

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

4. Application to review the Premises Licence in respect of Grosek Polski Skelp, 42 Manchester Road, Swindon, SN1 2 AG together with a copy of each relevant representation made and supporting documents (Pages 7 - 58)

Date of Despatch: 14 March 2017

Access Arrangements – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

INFORMATION TO ACCOMPANY NOTICE OF HEARING

Action following receipt of Notice of Hearing:

A party shall give to the Licensing Panel within the period of time provided for in the following provisions of this regulation a notice (in the form attached) stating: -

- Whether he intends to attend or be represented at the hearing.
- Whether he considers a hearing to be unnecessary.
- In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

The following notice periods apply:

No later than one working day in respect of:

- Cancellation of interim authority notice following police objection, or
- Counter notice following police objection to temporary event notice.

No later than two working days before the first day of hearing:

- Review of premises licence following closure order or review of premises licence following review notice;
- Determination of application for conversion of existing licence;
- Determination of application for conversion of existing club certificate; or
- Determination of application by holder of justices' licence for grant of personal licence.

In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

Right of attendance, assistance and representation:

A party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

The hearing will take place in public. However the Licensing Panel may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. For these purposes a party and any person assisting or representing a party may be treated as a member of the public.

The Licensing Panel may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- refuse to permit that person to return, or
- permit him to return only on such conditions as the authority may specify.

Any such person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

Representations and Supporting Information:

At the hearing a party shall be entitled to:

- Give further information as appropriate in response to a point upon which the Licensing Panel has given notice that clarification is required (Note – if clarification is required from any party this will have been indicated in the Notice of Hearing);
- If given permission by the Licensing Panel, question any other party; and
- Address the authority.
- Failure of Parties to attend the Hearing

If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has not so indicated fails to attend or be represented at a hearing the authority may: -

- Where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- Hold the hearing in the party's absence.
- Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned

Procedure:

A summary of the procedure that will normally be followed at the hearing is attached.

It should be noted that this is a general procedure intended to cover matters that will normally be applicable at all Hearings. However depending on the circumstances of each individual case, it is recognised that other issues may need to be considered as preliminary points at the hearing. These may include (but are not limited to): -

- Whether to proceed in the absence of a party;
- Whether to admit new documents or information submitted at the hearing;
- Whether it is in the public interest to exclude members of the public from the hearing or any part of it;

- Whether any party wished to withdraw representations previously submitted
- Whether to disregard any information given by a party or any person to whom permission to appear at the hearing is given by the authority which is not relevant to:
 - Their application, representations or notice (as applicable) or in the case of another person, the application representations or notice of the party requesting their appearance, and
 - The promotion of the licensing objectives

**Standard procedure for licensing committee or
licensing panel review hearings**

- 1) The general facts of the review application will be put to the hearing by an officer of the Licensing Authority.**
- 2) The applicant for the review will put their case. They will be invited to clarify and support (but not add to) their written submission.**
- 3) Members of the Licensing Committee (or Panel) may ask questions arising from this submission, as may any other Member of Swindon Borough Council who is present. The premises licence holder will not be allowed to comment or reply at this stage but may ask the party which applied for the review to give a brief clarification concerning any of the points they have made.**
- 4) Ward Members who wish to speak on behalf of constituents who have made representations following the review application or aspects of the review application will be invited to speak. Written notification of those representations must be submitted within the required period of notice.**
- 5) Where individuals or organisations have given the required notice that they wish to make relevant representations on the review application, they will be invited one at a time to clarify and support (but not add to) their written submissions. Representations will be heard only from those who have submitted an objection in writing before the deadline given for comments. This restriction applies equally to Members and Officers of the Council.**
- 6) Members of the Licensing Committee (or Panel) may ask questions arising from each representation, as may any other Member of Swindon Borough Council who is present. The premises licence holder will not be allowed to comment or reply at this stage but may ask those making representations to give a brief clarification of any of the points they have made.**
- 7) Ward Members who wish to speak on behalf of constituents who have made a representation against the review and in support of the premises licence holder will be invited to speak. Written notification of the positive representation must have been submitted within the required period of notice.**
- 8) The premises licence holder and / or their solicitor or representative will be invited to make a submission in opposition to the application for review and to respond to points made by**

those who submitted the review application or who made representations subsequently. No unreasonable limits will be placed on the right of the applicant to make their case and they may present any documentation they wish, in doing so.

- 9) Members of the Licensing Committee (or Panel) may ask questions arising from the premises licence holder's submission, as may any other Member of Swindon Borough Council who is present.**
- 10) The party which applied for the review and anyone who made representations subsequently will be allowed in turn to ask the premises licence holder to give a brief clarification of any point they have made. They will not be permitted to restate or develop their review application or representation and must limit any further brief comment to issues that arise directly from answers given by the premises licence holder or the premises licence holder's representative.**
- 11) Members of the Committee or Panel hearing the application will then discuss the application in private, accompanied only by non-partisan officers who are there in a support role.**
- 12) Should any person present act in a disruptive manner the Chair will first warn him or her about their conduct and then, if the Chair considers it appropriate, may require the person concerned to leave the meeting forthwith. Where a party to the hearing insists on wasting the time of the hearing by needlessly repeating points that have been well aired and clearly put by earlier speakers, their actions may be judged to be disruptive and they may be asked to leave. It is strongly recommended that any spoken representations from groups of people with common concerns are made through an agreed spokesperson.**

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
42 Manchester Road, Swindon, SN1 2AG**

Licensing Panel

Date: 29 March 2017

Author: Kathryn Ashton – Licensing Manager
Wards: Central Ward
Locality Affected: Central
Parishes Affected: None

1. Purpose and Reasons

- 1.1 To consider the application for a review of a premises licence received from the Wiltshire Police in respect of Grosek Polski Skelp, 42 Manchester Road, Swindon, SN1 2AG.

2. Recommendations

It is recommended that the Panel:

- 2.1 Considers the application made by the Wiltshire Police together with any supporting evidence, and determines the application for the review of the premises licence. The options available to the Panel are:
- To modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition;
 - To exclude a licensable activity from the scope of the licence;
 - To remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - To suspend the licence for a period not exceeding three months
 - To revoke the licence

3.0 Detail

- 3.1 An application for the review of a premises licence in respect of Grosek Polski Skelp, 42 Manchester Road, Swindon, SN1 2AG has been received from Wiltshire Police who consider that the licensing objective in respect of crime and disorder is being undermined by current licensable activities at the premises. A copy of the Wiltshire Police's application is attached as **Appendix A**.
- 3.2 Grosek Polski Skelp is a licensed premises located at 42 Manchester Road operating under a premises licence (ref: 881161089LAPDPS), attached as **Appendix B**. The licence was issued on 21st October 2016 and permits the sale of alcohol Monday to Sunday between 10.00 hours to 23.00 hours. The opening

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hours for the premises are Monday to Sunday from 08:00hrs to 01:00hrs. The Designated Premises Supervisor is Karolina Pawlowicz.

3.3 The grounds for the review are stated in the Police's application as follows:

3.3.1 On 4th February 2017, Wiltshire Police Officers conducted a routine licensing check at the premises. A lone male was found within the shop area, he was identified and checks with the Immigration Service showed that he is not allowed to work in the United Kingdom, nor can he be lawfully employed in any position.

The Witness Statement of PC Diffin, forming part of **Appendix A**, explains that at the time of his visit the lone male was in sole charge of the store, and confirmed the owner of the business to be the named Premises Licence holder.

3.3.2 Whilst at the premises on 4th February, PC Diffin also noted that a number of licensing conditions were being breached, namely conditions 6, 7,8,9,10,14 and 15.

Condition 6 states

"A Closed-Circuit Television (CCTV) recording system shall be installed in the premises with cameras covering all public entrances/exits, the alcohol display area and the sales counter. The CCTV system shall be maintained in operational condition and shall be in operation at all times that the premises is trading. The CCTV system shall have sufficient storage retention capacity for a minimum of 31 days' of recording. The CCTV footage shall be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. Notices shall be prominently displayed in the premises to advise customers that CCTV is in operation."

Condition 7 states

"A "Challenge 21" scheme shall be implemented and all customers who appear to be under the age of 21 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark. All staff working at the premises shall be fully trained and aware of the scheme. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request."

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Condition 8 states

“An incident book shall be maintained to record the following:
Ejection of patrons from the premises;
Complaints received about the premises;
Incidents of disorder;
Any refusal to supply alcohol;
Visits to the premises by a responsible authority or emergency service.”

Condition 9 states

“The incident book shall be kept on the premises and made available for inspection by a police constable or authorised officer on request.”

Condition 10 states

“All staff shall undertake and receive a qualification in Responsible Alcohol Retailing prior to being permitted to undertake alcohol sales. A copy of this certification shall be retained by management on the premises. All staff shall receive bi-annual refresher training, to be provided by management and a record of this training shall be maintained on the premises.”

Condition 14 states

“Clear signs shall be prominently displayed in the premises to request that customers leave the premises and surrounding area quietly.”

Condition 15 states

“A member or members of staff, who has been trained and is conversant in the operation of the CCTV system, including the making of copies and who shall be authorised to access the CCTV footage shall be on the premises during the hours of licensable activities. At the request of an authorised officer of a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, shall be downloaded immediately or secured to prevent any overwriting.”

- 3.4 The application for review was advertised in accordance with regulations and a copy of the ‘blue notice’ is attached as **Appendix C**. The notice was affixed to the premises at 42 Manchester Road and also at the Offices of the Licensing Authority. The last date for representations was 7 March 2017.
- 3.5 The Panel is requested to consider the application for the review of the premises licence from the Wiltshire Police together with supporting evidence, having regard

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to Swindon Borough Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

4. Alternative Options

- 4.1 It would be possible to defer the determination of the review application to a date within five working days of the day (or the last day) on which the hearing was held, or to defer the hearing itself to a specified date (or dates) where it is considered to be necessary for the authority's consideration of any representation or notice made by a party. However, either step should be seen as an exceptional measure.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report. Failure to reach a reasonable conclusion, based on the facts, could lead to crime and disorder, or to unwarranted damage to the business in question. Either scenario could raise issues of compensation. In the case of an appeal, the Council could become liable for costs.

Legal and Human Rights Implications

- 5.2 A declaration has been made by the Secretary of State that the Licensing Act is compliant with the Human Rights Act. None of the relevant Articles of the Human Rights Act has absolute sway over the others. Article 8 deals with a right to undisturbed home life; Article 10 gives the right to free expression, including the right to entertain; Article 1 of the Protocol says that licences are 'possessions', which the holder has a right to enjoy. Common sense has to be used, in balancing each of these against the other.

- 5.3 All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

This report relates to the requirements of licensing legislation.

- 5.4 Diversity Impact Assessment

It is not considered that the preparation of a DIA is required in respect of this report.

- 5.5 **Consultees**

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The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

5.6 Background Papers

Licensing Act, 2003

Secretary of State revised Section 182 Guidance

Swindon Borough Council's Statement of Licensing Policy, (2016)

5.7 Appendices

Appendix A - Application from Wiltshire Police for the review of a Premises Licence, (dated 5th February 2017), incorporating the Witness Statement of PC Diffin, (dated 5th February 2017).

Appendix B – Copy of extant Premises Licence, 42 Manchester Road, Swindon, SN2 8AG, (dated 21st October 2016).

Appendix C – Blue Notice advertising the application

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
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Appendix A

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
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WILTSHIRE POLICE



Dilshad Abu DILSHAD and Karolina PAWLOWICZ
Groszek Polski Skelp
42 Manchester Road
Swindon
SN1 2AG

Swindon Police Station
Gablecross
Shrivenham Road
South Marston
Swindon
Wiltshire SN3 4RB
Telephone: 101
Direct Dial: 01380861630

Date 05/02/2017

Your ref

Our ref

Reply contact name is PC Michael DIFFIN MBE Police Licensing Officer

Dear Sir,

RE – Application for Premise Licence Review Groszek Polski Skelp 42
Manchester Road Swindon

Please find enclosed Wiltshire Police application and evidence to review the premises licence at Groszek Polski Skelp under the Crime and Disorder Objective of the Licensing Act 2003.

Yours Sincerely,

Michael DIFFIN MBE
Police Constable 1630
Police Licensing Officer.

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

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**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all
cases ensure that your answers are inside the boxes and written in black ink. Use
additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I PC 1630 Michael DIFFIN MBE on behalf of the CHIEF CONSTABLE OF
WILTSHIRE POLICE

(Insert name of applicant)

**apply for the review of a premises licence under section 51 (delete as
applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Groszek Polski Skelp 42 Manchester Road	
Post town SWINDON	Post code (if known) SN1 2AG
Name of premises licence holder or club holding club premises certificate (if known) Dilshad Abu Dilshad and Karolina Pawlowicz	
Number of premises licence or club premises certificate (if known) 881161089LAPDPS	

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 | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the
premises | <input type="checkbox"/> |

2) a responsible authority (please complete (C) below) ☒

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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)

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 1630 Michael DIFFIN MBE POLICE LICENSING OFFICER SWINDON POLICE STATION GABLECROSS, SHRIVENHAM ROAD, SOUTH MARSTON, SWINDON, SN3 4RB
Telephone number (if any) 01380 861630
E-mail address (optional) michael.diffin@wiltshire.pnn.police.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 | <input checked="checked" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

This application to review the premises licence for Groszek Polski Skelp is based on evidence which shows a breach to the licensing objective of:

Crime & Disorder – For knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter the UK.

Crime & Disorder - Failure to display Part B of the premise licence. An offence under Section 57 Licensing Act 2003

Crime & Disorder - Failure to comply with conditions on a premise licence. Offences under Section 136(1) Licensing Act 2003.

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

Re: Licence Review – Groszek Polski Skelp 42 Manchester Road, Swindon.

Groszek Polski Skelp is a Licensed Premises and operates under a premises licence (881161089LAPDPS) issued by Swindon Borough Council (SBC) on 21/10/2016. The premises licence holders are Dilshad Abu Dilshad and Karolina Pawlowicz. The licence was issued in accordance with the Licensing Act 2003 to allow the sale by retail of alcohol Monday to Sunday 1000hrs to 2300hrs. The opening hours for the premise are Monday to Sunday 0800 - 0100hrs.

The Designated Premises Supervisor(DPS) is Karolina Pawlowicz.

On 4th February 2017 at 1403hrs Wiltshire Police Licensing Officers attended the location to conduct a licensing check. On entering the store there was one male present stood behind the till area serving and there were no other persons present, this male stated that he did not work in the store and was only helping out.

Checks on this male were conducted via UK Immigration Officers and they stated that the male does not have permission to work in the UK, the male is fully aware of this fact as he was served a letter by Immigration Officers to this effect on 5th December 2016.

The male stated that he had not had any training and did not know how to work the CCTV in the store and at this point phoned the owner.

Whilst waiting for the owner officers observed that there was no summary Part B of the licence on display in the store.

At 1425hrs the premise licence holder Dilshad Abu Dilshad arrived at the location, he was asked to produce the premise licence which he was unable to do just producing a large folder that officers managed to locate the premise licence in along with the Part B summary.

It was observed that there were no signs within the store advising customers that there was CCTV in operation.

Condition 6 on the premise licence states

A Closed-Circuit Television (CCTV) recording system shall be installed in the premises with cameras covering all public entrances/exits, the alcohol display area and the sales counter. The CCTV system shall be maintained in operational condition and shall be in operation at all times that the premises is trading. The CCTV system shall have sufficient storage retention capacity for a minimum of 31 days' of recording. The CCTV footage shall be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. Notices shall be prominently displayed in the premises to advise customers that CCTV is in operation.

DILSHAD was unable to produce a refusals book or incident book for the premise.

Conditions 7, 8 and 9 on the premise licence state

A "Challenge 21" scheme shall be implemented and all customers who appear to be under the age of 21 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

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barring the holographic "PASS" mark. All staff working at the premises shall be fully trained and aware of the scheme. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.

An incident book shall be maintained to record the following:

Ejection of patrons from the premises;

Complaints received about the premises;

Incidents of disorder;

Any refusal to supply alcohol;

Visits to the premises by a responsible authority or emergency service

The incident book shall be kept on the premises and made available for inspection by a police constable or authorised officer on request.

DILSHAD was unable to produce any evidence of staff training for the male located working in the store nor was he able to show that he or the male had received a qualification in responsible alcohol retailing.

Conditions 7 and 10 on the premise licence state

A "Challenge 21" scheme shall be implemented and all customers who appear to be under the age of 21 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark. All staff working at the premises shall be fully trained and aware of the scheme. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.

All staff shall undertake and receive a qualification in Responsible Alcohol Retailing prior to being permitted to undertake alcohol sales. A copy of this certification shall be retained by management on the premises. All staff shall receive bi-annual refresher training, to be provided by management and a record of this training shall be maintained on the premises.

The male located working in the store was asked if he could operate the CCTV system to which he stated that he could not.

Condition 15 on the premise licence states

A member or members of staff, who has been trained and is conversant in the operation of the CCTV system, including the making of copies and who shall be authorised to access the CCTV footage shall be on the premises during the hours of licensable activities. At the request of an authorised officer of a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, shall be downloaded immediately or secured to prevent any overwriting.

It was observed that there were no signs in place in or outside the premise advising customers to leave the premise or surrounding area quietly.

Condition 14 on the premise licence states

Clear signs shall be prominently displayed in the premises to request that customers leave the premises and surrounding area quietly.

For the panels information -

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Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

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S.182 Guidance of the Licensing Act 2003 - para 11.27 states –

"There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously" –

Such activity includes –

". . . knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter".

Para 11.28 –

"Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance is seriously considered".

Illegal working has harmful social and economic effects within the UK, it undercuts British businesses and their workers that stay within the law and exploits migrant workers. As long as there are opportunities for illegal working, the UK will remain an attractive place for illegal immigrants. Partners are working very hard to impact upon and disrupt employers breaking the law by taking tough action against those who do so.

There is evidence that illegal workers are paid less than the minimum wage, do not pay tax, and may be doing work that breaches health and safety regulations. Employers who use illegal workers may do so to exploit a vulnerable person, may be connected with human trafficking and avoid providing national minimum standards such as the minimum wage or paid holiday. This is extremely harmful to the exploited workers and enable dishonest employers to gain an unfair advantage over competitors who operate within the law of the United Kingdom.

It is due to the above guidance and the clear failure of the premise licence holder to ensure that the conditions on the licence are implemented that Wiltshire Police are asking for the premise licence to be revoked as there is a clear failure to uphold the licensing objectives of Crime and Disorder and the Protection of Children from Harm.

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42 Manchester Road, Swindon, SN1 2AG**

Licensing Panel

Date: 29 March 2017

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

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

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
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**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
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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

[Signature] RL1620

Date

05/02/17.

Capacity Police Licensing Officer

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

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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.

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
42 Manchester Road, Swindon, SN1 2AG**

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Review of a Premises Licence in respect of GROSEK POLSKI SKELP 42 Manchester Road, Swindon, SN1 2AG

Licensing Panel

Date: 29 March 2017

IN THE MATTER OF AN APPLICATION BY THE CHIEF CONSTABLE OF
WILTSHIRE POLICE FOR A LICENSING REVIEW OF GROSEK POLSKI SKELP, 42
MANCHESTER ROAD, SWINDON.

STATEMENT OF Police Constable MICHAEL DIFFIN MBE

I, **Police Constable 1630 MICHAEL DIFFIN**, Police Licensing Officer, Licensing
Department, Divisional Police Headquarters, Gablecross Police Station, Swindon, Wiltshire
SN3 4RB will say as follows:

1. I am a Police Licensing officer for Wiltshire Police and I have been in post since April 2015. My role is to gather and collate evidence around Licensing issues. Prior to this I was the Night Time Economy Manager for Swindon Town Centre. I took up this position in 2012 and held this post until early 2015. I have been a member of the Wiltshire Constabulary since 2001 and have served all of my time in Swindon Town Centre.
2. My role as the Police Licensing Officer is to work with the local policing teams and other agencies to identify and tackle long term issues in areas caused as a result of alcohol and non-compliance with the Licensing Act 2003.
3. The area of Manchester Road is saturated with off licenses in a very small area and as a result sees a very high numbers of reports of Anti-social behaviour in the area involving street drinkers and their associated mess that has an impact on both Police and Council resources. It also has a very negative impact on the local community who are affected by their actions. As such there is an expectation from Police that Premise Licence holders in the area will fully uphold the licensing objectives to minimise this impact on the local community. Conditions are attached to their licenses to ensure that this is the case and every effort is made to minimise their impact on the area. Failure to comply with these conditions shows an irresponsible attitude to the sale of alcohol and a disregard for the licensing objectives and the impact that the alcohol sold has on the local area. This area is also subject of a Community Impact Policy that has been implemented by Swindon Borough Council to help address the issues.
4. On the 4th February 2017 at 1403hrs I attended Groszek Polski Skelp 42 Manchester Road Swindon to conduct a routine licensing check at the location. On entering the

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
42 Manchester Road, Swindon, SN1 2AG**

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location there was one member of staff present stood behind the counter serving, there were no other members of staff on the premise. This male was identified as being Nabaz AHMAD born 17/01/1986 in Iraq. On asking him if he was working in the store he stated he was "Only helping out" and was very quick to use his phone to contact the store owner. In my experience whenever a member of staff in a store states that they are "Only helping" it warrants further investigation with Immigration as to their current status within the UK. I spoke with Immigration control who confirmed AHMAD's identity and advised me that he had no permission to work in the UK and he had been advised of that fact by an Immigration Officer on 05/12/2016 both verbally and in writing.

5. AHMED was unable to produce the Premise Licence and was unable to say where the summary of the licence was as it was not on display within the store. When asked if he had received any training from the owner around the sale of alcohol he stated he had not and that he did not hold a personal licence. He was also unable to work the CCTV system within the store.

Condition 15 on the premise licence states

A member or members of staff, who has been trained and is conversant in the operation of the CCTV system, including the making of copies and who shall be authorised to access the CCTV footage shall be on the premises during the hours of licensable activities. At the request of an authorised officer of a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, shall be downloaded immediately or secured to prevent any overwriting.

Conditions 7 and 10 on the premise licence state

A "Challenge 21" scheme shall be implemented and all customers who appear to be under the age of 21 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark. All staff working at the premises shall be fully trained and aware of the scheme. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.

All staff shall undertake and receive a qualification in Responsible Alcohol Retailing prior to being permitted to undertake alcohol sales. A copy of this certification shall be retained by management on the premises. All staff shall receive bi-annual refresher training, to be provided by management and a record of this training shall be maintained on the premises.

6. Whilst looking in other areas of the store AHMED was observed to leave the location via the front door whilst on the phone, he did not return to the store and I was left in the store with it being unattended until the premise licence holder Dilshad Abu DILSHAD arrived at 1425hrs. A short time after his arrival AHMED re appeared still denying that he had been working in the store. On DILSHADS arrival I conducted a

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full check of the premise on asking for the premise licence he produced a large folder containing numerous documents but was unable to find the premise licence within it and was unsure what he was looking for. I located both Part A and B of the premise licence within the folder.

7. As a result of this check the following breaches of the conditions on the premise licence were discovered.
8. DILSHAD was unable to produce a refusals book or incident book for the premise and seemed unsure what one was just pointing to his folder.

Conditions 7, 8 and 9 on the premise licence state

A "Challenge 21" scheme shall be implemented and all customers who appear to be under the age of 21 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark. All staff working at the premises shall be fully trained and aware of the scheme. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.

An incident book shall be maintained to record the following:

Ejection of patrons from the premises;
Complaints received about the premises;
Incidents of disorder;
Any refusal to supply alcohol;
Visits to the premises by a responsible authority or emergency service

The incident book shall be kept on the premises and made available for inspection by a police constable or authorised officer on request.

9. DILSHAD was not unable to produce any evidence of staff training for the AHMED located working in the store nor was he able to show that he or AHMED had received a qualification in responsible alcohol retailing. DILSHAD did produce a piece of paper signed by the Designated Premise Supervisor (DPS) and dated 16/12/16 with the name BAKER on it that he stated was his surname and was signed by the DPS to say he had received some training but it was unclear what training had been delivered by the DPS Karolina PAWLOWICZ who is his wife. She was spoken to via telephone and stated that her husband ran the store and she had no real involvement.

Conditions 7 and 10 on the premise licence state

A "Challenge 21" scheme shall be implemented and all customers who appear to be under the age of 21 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark. All staff working at the premises shall be fully trained and aware of the scheme. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

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All staff shall undertake and receive a qualification in Responsible Alcohol Retailing prior to being permitted to undertake alcohol sales. A copy of this certification shall be retained by management on the premises. All staff shall receive bi-annual refresher training, to be provided by management and a record of this training shall be maintained on the premises.

10. I also observed that there were no signs within the store advising customers that there was CCTV in operation.

Condition 6 on the premise licence states

A Closed-Circuit Television (CCTV) recording system shall be installed in the premises with cameras covering all public entrances/exits, the alcohol display area and the sales counter. The CCTV system shall be maintained in operational condition and shall be in operation at all times that the premises is trading. The CCTV system shall have sufficient storage retention capacity for a minimum of 31 days' of recording. The CCTV footage shall be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. Notices shall be prominently displayed in the premises to advise customers that CCTV is in operation.

11. I also observed that there were no signs in place in or outside the premise advising customers to leave the premise or surrounding area quietly.

Condition 14 on the premise licence states

Clear signs shall be prominently displayed in the premises to request that customers leave the premises and surrounding area quietly

Statement of Truth

I confirm that the contents of this statement are true to the best of my knowledge and belief.

Signed.....
PC MICHAEL DIFFIN

Dated.....05/02/17.....

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

Appendix B

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
42 Manchester Road, Swindon, SN1 2AG**

Licensing Panel

Date: 29 March 2017

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
42 Manchester Road, Swindon, SN1 2AG**

Licensing Panel

Date: 29 March 2017



Licensing Authority
5th Floor, Wat Tyler West
Beckhampton Street
Swindon
SN1 2JG
Tel: 01793 466113
licensing@swindon.gov.uk

Premises Licence

Schedule 12 - Part A

(THIS PART OF THE LICENCE MUST BE KEPT AT THE PREMISES AT ALL TIMES AND PRODUCED
UPON REQUEST OF AN AUTHORISED OFFICER)

Premises Licence Number	881161089LAPDPS
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code Groszek Polski Skelp 42 Manchester Road Swindon SN1 2AG
Telephone number 07478 510251

Where the licence is time limited the dates Not Applicable
--

Licensable activities authorised by the licence Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities Sale by Retail of Alcohol Monday to Sunday 10:00 - 23:00
--

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
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Date: 29 March 2017

The opening hours of the premises

Monday to Sunday 08:00 - 01:00

**Where the licence authorises supplies of alcohol whether these are on and / or off
supplies**

Alcohol may only be supplied for consumption off the premises.

Review of a Premises Licence in respect of GROSEK POLSKI SKELP 42 Manchester Road, Swindon, SN1 2AG

Licensing Panel

Date: 29 March 2017

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Dilshad Abu Dilshad and Karolina Pawlowicz
Flat 4
208-210 Rodbourne Road
Swindon
SN2 2AA

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Karolina Pawlowicz

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

Personal Licence No: 881161069LIPER

Licensing Authority: Swindon Borough Council

This Premises Licence is issued by Swindon Borough Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Dated this: 21st October 2016

Kathryn Ashton
Licensing Manager

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
42 Manchester Road, Swindon, SN1 2AG**

Licensing Panel

Date: 29 March 2017

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
42 Manchester Road, Swindon, SN1 2AG**

Licensing Panel

Date: 29 March 2017

Mandatory Conditions

1. No supply of alcohol may be made under the premises licence
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.
3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) 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 either
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4.
 - (1) A "relevant person" shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the "permitted price".
 - (2) For the purposes of the condition set out in paragraph (1)
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V)$$

where

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence
- (i) the holder of the premises licence,

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
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Date: 29 March 2017

- (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) below applies where the permitted price given by Paragraph (2)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the Operating Schedule

- 5. No 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, regardless of whether children are on the premises or not, shall be provided in the premises.
- 6. A Closed-Circuit Television (CCTV) recording system shall be installed in the premises with cameras covering all public entrances/exits, the alcohol display area and the sales counter. The CCTV system shall be maintained in operational condition and shall be in operation at all times that the premises is trading. The CCTV system shall have sufficient storage retention capacity for a minimum of 31 days' of recording. The CCTV footage shall be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. Notices shall be prominently displayed in the premises to advise customers that CCTV is in operation.
- 7. A "Challenge 21" scheme shall be implemented and all customers who appear to be under the age of 21 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office

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approved identity card bearing the holographic "PASS" mark. All staff working at the premises shall be fully trained and aware of the scheme. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.

8. An incident book shall be maintained to record the following:
 - i) Ejection of patrons from the premises;
 - ii) Complaints received about the premises;
 - iii) Incidents of disorder;
 - iv) Any refusal to supply alcohol;
 - v) Visits to the premises by a responsible authority or emergency service
9. The incident book shall be kept on the premises and made available for inspection by a police constable or authorised officer on request.
10. All staff shall undertake and receive a qualification in Responsible Alcohol Retailing prior to being permitted to undertake alcohol sales. A copy of this certification shall be retained by management on the premises. All staff shall receive bi-annual refresher training, to be provided by management and a record of this training shall be maintained on the premises.
11. No single cans or bottles of beer, lager or cider of 5.5% ABV (alcohol by volume) or above shall be sold.
12. All public areas of the premises shall be kept clean and free from obstruction at all times that the premises is trading.
13. All fire exits shall be clearly identified by clear and prominent signage.
14. Clear signs shall be prominently displayed in the premises to request that customers leave the premises and surrounding area quietly.

Conditions attached after a hearing by the Licensing Authority

15. A member or members of staff, who has been trained and is conversant in the operation of the CCTV system, including the making of copies and who shall be authorised to access the CCTV footage shall be on the premises during the hours of licensable activities. At the request of an authorised officer of a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, shall be downloaded immediately or secured to prevent any overwriting.
16. A marking system shall be adopted for all single bottles of alcohol sold below a capacity of 75cl to indicate that the bottle has been sold from the premises. Where cans of alcohol are sold, including multi-packs, each individual can shall be similarly marked.

Plans

No changes to original plans

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
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Date: 29 March 2017

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Date: 29 March 2017

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 - i) Ejection of patrons from the premises;
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 - iii) Incidents of disorder;
 - iv) Any refusal to supply alcohol;
 - v) Visits to the premises by a responsible authority or emergency service
9. The incident book shall be kept on the premises and made available for inspection by a police constable or authorised officer on request.
10. All staff shall undertake and receive a qualification in Responsible Alcohol Retailing prior to being permitted to undertake alcohol sales. A copy of this certification shall be retained by management on the premises. All staff shall receive bi-annual refresher training, to be provided by management and a record of this training shall be maintained on the premises.
11. No single cans or bottles of beer, lager or cider of 5.5% ABV (alcohol by volume) or above shall be sold.
12. All public areas of the premises shall be kept clean and free from obstruction at all times that the premises is trading.
13. All fire exits shall be clearly identified by clear and prominent signage.
14. Clear signs shall be prominently displayed in the premises to request that customers leave the premises and surrounding area quietly.

Conditions attached after a hearing by the Licensing Authority

15. A member or members of staff, who has been trained and is conversant in the operation of the CCTV system, including the making of copies and who shall be authorised to access the CCTV footage shall be on the premises during the hours of licensable activities. At the request of an authorised officer of a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, shall be downloaded immediately or secured to prevent any overwriting.
16. A marking system shall be adopted for all single bottles of alcohol sold below a capacity of 75cl to indicate that the bottle has been sold from the premises. Where cans of alcohol are sold, including multi-packs, each individual can shall be similarly marked.

Plans

No changes to original plans

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
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Date: 29 March 2017



Licensing Authority

5th Floor, Wat Tyler West

Beckhampton Street

Swindon

SN1 2JG

Tel: 01793 466113

licensing@swindon.gov.uk

Premises Licence

3. Schedule 12 - Part B

(THIS PART OF THE LICENCE MUST BE DISPLAYED IN A PROMINENT POSITION WITHIN THE PREMISES)

Premises Licence Number

881161089LAPDPS

Part 1 – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description,
including Post Town, Post Code**

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
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Groszek Polski Skelp
42 Manchester Road
Swindon
SN1 2AG

Telephone number 07478 510251

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol

Monday to Sunday 10:00 - 23:00

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
42 Manchester Road, Swindon, SN1 2AG**

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Date: 29 March 2017

The opening hours of the premises

Monday to Sunday 08:00 - 01:00

**Where the licence authorises supplies of alcohol whether these are on and / or off
supplies**

Alcohol may only be supplied for consumption off the premises.

Name, (registered) address of holder of premises licence

Dilshad Abu Dilshad and Karolina Pawlowicz

Flat 4

208-210 Rodbourne Road

Swindon

SN2 2AA

**Registered number of holder, for example company number, charity number (where
applicable)**

Not Applicable

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Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Karolina Pawlowicz

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

Not Restricted or Prohibited

This Premises Licence is issued by Swindon Borough Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Dated this 21st October 2016

Kathryn Ashton
Licensing Manager

Appendix C

Licensing Act 2003: Review of Premises Licence

An application has been made to the Licensing Authority for Swindon, by Wiltshire Police, for the review of the Premises Licence issued in respect of 'Groszek Polski Skelp', 42 Manchester Road, Swindon SN1 2AG.

The application states the grounds for review as follows:

1. Failure to display Part B of the licence which is an offence under Section 57(4) of the Licensing Act 2003; and,
2. Failure to comply with a number of conditions on the Premises Licence, namely, Challenge 25 scheme, forms of identification required, staff training and appropriate refusals documentation. Such breaches are offences pursuant to Section 136 of the Licensing Act 2003.

The application relates to the Licensing Objective in respect of the Prevention of Crime and Disorder.

The application and supporting evidence can be viewed at the Offices of the Licensing Authority at Wat Tyler House, Beckhampton Street, Swindon SN1 2JH, [licensing@swindon.gov.uk] between 09.00hrs & 16.30hrs on weekdays.

**Review of a Premises Licence in respect of GROSEK POLSKI SKELP
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Responsible Authorities, (e.g. Police and Fire Brigade), and/or other persons (e.g. people/businesses living or working within the vicinity), can make representations at any time between 20 November 2016 and 17 December 2016. All representations must be made in writing [including e-mail or fax].

It is an offence for anyone to recklessly or knowingly make a false statement in connection with a licensing application. The maximum fine on conviction is £5000.



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