

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

**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 Police Constable 113 D.Bryan

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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 International Supermarket 82 High Street	
Post town Rushden	Post code (if known) NN10 0PQ
Name of premises licence holder or club holding club premises certificate (if known) Rushden Market Ltd	
Number of premises licence or club premises certificate (if known) 20/01104/LAPNEW	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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 ✓ yes

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 PC 113 D.Bryan Northamptonshire Police Wellingborough Police Station Midland Road Wellingborough Northamptonshire NN8 1HF
Telephone number (if any) 101 EXT [REDACTED]
E-mail address (optional) david.bryan@northants.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 | X |
| 2) public safety | |
| 3) the prevention of public nuisance | |
| 4) the protection of children from harm | X |

Please state the ground(s) for review (please read guidance note 2)

I act on behalf of the Chief Officer of Police for Northampton shire, Mr Adderley. He has delegated responsibility and authorised me to act on his behalf with regard to representations made by Northamptonshire Police to Licensing Authorities across the county of Northamptonshire.

Northamptonshire Police call for the Review of the Premises Licence for International Supermarket under the Licensing Objective of the Prevention of Crime and Disorder, and the Protection of Children from Harm.

This Review relates to illegal tobacco products being stored at the premises, and an alleged underage sale(s) of alcohol.

Please provide as much information as possible to support the application (please read guidance note 3)

- 1) On the 24th of July 2021 Northamptonshire Police received a complaint of an underage sale of alcohol that took place at the premises. The report is of a 13 year old male being taken to hospital due to drinking excessive alcohol. The sale took place at the premises and the alcohol was sold to a 12 year old female. The alcohol was a bottle of vodka and the group of friends involved were between 12 and 13 years old.**
- 2) The complaint was made by a third party and the complainant did not inform Northamptonshire Police how they came by the information and there was little detail to follow up the allegation.**
- 3) Northamptonshire Police used their discretion and professional judgement and took the decision to monitor the premises with a view to either conducting a Test Purchase operation at the premises, or conducting a multi-agency visit at the premises.**
- 4) Since the initial report on the 24th of July 2021 and the date of these Review papers Northamptonshire Police only have the above mentioned incident recorded on their incident recording system.**
- 5) On the 31st of August 2021 North Northants Trading Standards Department made contact via E-mail with Northamptonshire Police. The request was in relation to a joint visit. They had received a similar complaint in relation to underage drinking and the sales taking place. The address they had was on the high street in Rushden but was not International Supermarket, however due to the similarities in the address I formed the opinion that the actual address was International Supermarket. The address Trading Standards was given is not a licensed premises.**
- 6) On the 5th of October 2021 a joint visit was conducted at the address Trading Standards was given, no alcohol was found in the store or the store rooms. International Supermarket was visited, the Designated Premises Supervisor was not present or the Premises Licence Holder.**
- 7) Various breaches of the conditions attached to the premises licence were discovered and no summary of the Premises Licence was on display.**
- 8) During a search of the premises a quantity of duty non paid cigarettes were discovered in the rear store room.**
- 9) Enquiries made with the Immigration Service relating to a male who was in charge of the premises at the time of the visit. The result of the enquiry discovered that the male had no right to work.**

Section 144 of the Licensing Act 2003 details the criminal offence relating to smuggled goods of premises that hold a premises licence.

Section 146 of the Licensing Act 2003, relates to the sale or supply of alcohol to a person under 18 years old.

Northamptonshire Police would ask the Licensing Sub-Committee of North Northamptonshire Council to consider revoking the premises licence for International Supermarket in this individual case.

The statutory section 182 Guidance that accompanies the Licensing Act 2003 details at point 11.27 what criminal activity should be treated particularly seriously by Committees, the sale and storage of smuggled tobacco and alcohol is listed. At point 11.28 details are contained that Licensing Authorities should seriously considered revocation in the first instance when looking at matters relating to point 11.27.

R (Bassetlaw District Council) v Worksop Magistrates Court outlines the case that the action(s) taken by the Licensing Committee can be punitive. Where crime is involved, wider considerations come into play. Those considerations might include the prevention of crime and at least deterrence, if not punishment. Where premises have been used for a criminal purpose, the Licensing Authority has a duty to take steps in the interest of the wider community.

Please find attached statements from [REDACTED] North Northants Trading Standards and PC 113 D.Bryan detailing the visit made to the premises on the 5th of October 2021. In addition images taken of the seized goods discovered in the store room.

Please tick ✓

- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

20th October 2021

Capacity **Northamptonshire Police Licensing Constable**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: **David BRYAN**

Age if under 18 O/18 (if over 18 insert 'over 18') Occupation: Police Constable 113

This statement (consisting of 2 page(s) 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.


Signature: 






Date 20th of October 2021

Tick if witness evidence is visually recorded (supply witness details on rear)

I am currently a serving Police Officer with Northamptonshire Police, I have been in the role of a Licensing Constable for the past 16 years and a Police Constable for 24 years. I have delegated responsibility from the Chief Constable of Northamptonshire Police to act on his behalf with regard to representations made by Northamptonshire Police to licensing authorities across the county of Northamptonshire.

This statement is in relation to a shop named International Supermarket, situated at 82 High Street, Rushden, NN10 0PQ. The shop holds a Premises Licence for Off-sales of alcohol.

On Tuesday the 5th of October 2021 I was on duty in plain clothes in the company of colleagues from North Northants Trading Standards Department, 

Also present was a colleague Rita GROVES North Northants Licensing Officer responsible for the Rushden area. At approximately 11:15am we all entered the premises International Supermarket and identified ourselves to the sole occupant of the store was a male who was stood behind the counter where goods are paid for, when asked for his details he gave the name of  I informed   that I was conducting a check on the premises in relation to compliance of conditions attached to the Premises Licence.  stated that he did not work at the premises he was just minding it for a friend and then asked whether I wanted to talk to the 'boss' and began to make a phone call. I proceeded with my checks and firstly noticed that there was not a summary of the Premises Licence on display.  had come off his mobile phone now, it is my opinion based on my experience of visitng premises in Northamptonshire where an individual state they are not working that they actually are. I decided to continue with my questions relating to the Premises Licence and the attached

Signature:		Signature witnessed by:	
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conditions. I noticed that there was a CCTV system installed however [redacted] stated he did not know how to use it or whether it recorded images. [redacted] did not know about any of the conditions, stated that he didn't have to record his details anywhere to be 'working' in the premises and had not undertaken any form of training associated with the Licensing Act 2003. A refusals register was not anywhere to be found and [redacted] had no knowledge of one existing. Signage in relation to Challenge 25 was not displayed in an adequate way, in fact the one A4 sign^{side} was resting on it's long side not upright on the shelf behind the counter, in addition [redacted] did not know what the Challenge 25 policy was.

At this stage [redacted] managed to get in contact with the 'boss' on his phone and handed it to me, I spoke with a male who the contact name on the phone was [redacted]. I believe, he stated he would attend the store within half an hour. Whilst we were awaiting the 'boss' we conducted a search of the premises and in a rear store room for the premises discovered various brands of non duty paid cigarettes. Section 144 of the Licensing Act 2003 makes it an offence to keep smuggled goods (alcohol and tobacco) on relevant premises, namely a Premises that holds a Premises licence, These items were seized by the Trading Standards Officers, whilst we were bagging the cigarettes up and counting them [redacted] was present only momentarily going back into the main part of the store from time to time. He stated to me that his 'boss' had been back in contact and was only ten minutes away. Once the discovery was found [redacted] went back on his phone and it then transpired that his 'boss' was no longer attending the store. After the cigarettes were seized, counted and documented we left the store, although [redacted] stated he was not working the the shop in my opinion he was, we all left the premises at approximately 12:05pm.

Signature: [redacted]

Signature witnessed by: [redacted]

Signature:

[redacted]

Signature witnessed by:

[redacted]

NORTH NORTHAMPTONSHIRE COUNCIL
Trading Standards

STATEMENT OF WITNESS

(Criminal Procedure Rules, Part 16; Criminal Justice Act 1967, s.9, Magistrates' Court Act 1980, s.5B)

Statement of: [REDACTED]
(Name of Witness)

Age of Witness: (if Over 18
over 18 enter "over
18")

Occupation of Witness: Trading Standards 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 12th day of October, 2021 (Signed):

I am employed by North Northamptonshire Council Trading Standards Service as a Trading Standards Officer, based at Deene House, Corby. On 5th October 2021, accompanied by my colleagues [REDACTED] and [REDACTED], we met with PC 113 BRYAN an Alcohol Licensing Constable with Northamptonshire Police and Rita GROVES a Licensing Enforcement Officer with North Northamptonshire Council. We carried out a joint inspection of International Supermarket, 82 High Street, Rushden, NN10 0PQ. Myself and the above colleagues entered International Supermarket at approximately 11:15, where we introduced ourselves and showed our identification to the male behind the till counter. The male said his name was [REDACTED] [REDACTED] date of birth of [REDACTED] and he said he was from Iran. I explained the reason for the visit was due to this Service receiving complaints surrounding the sale of illicit tobacco and under age sales of alcohol. I conducted a search of the premises and opened a closed door to a stock room. In that stock room was a box that contained various brands of foreign labelled cigarettes, some of these products were also in non-standardised packaging. I seized these items which equated to 185 packets or 6,210 individual cigarettes. After bagging the evidence I left [REDACTED] with copies of the appropriate paperwork and myself and all colleagues left the premises at approximately 12:04.



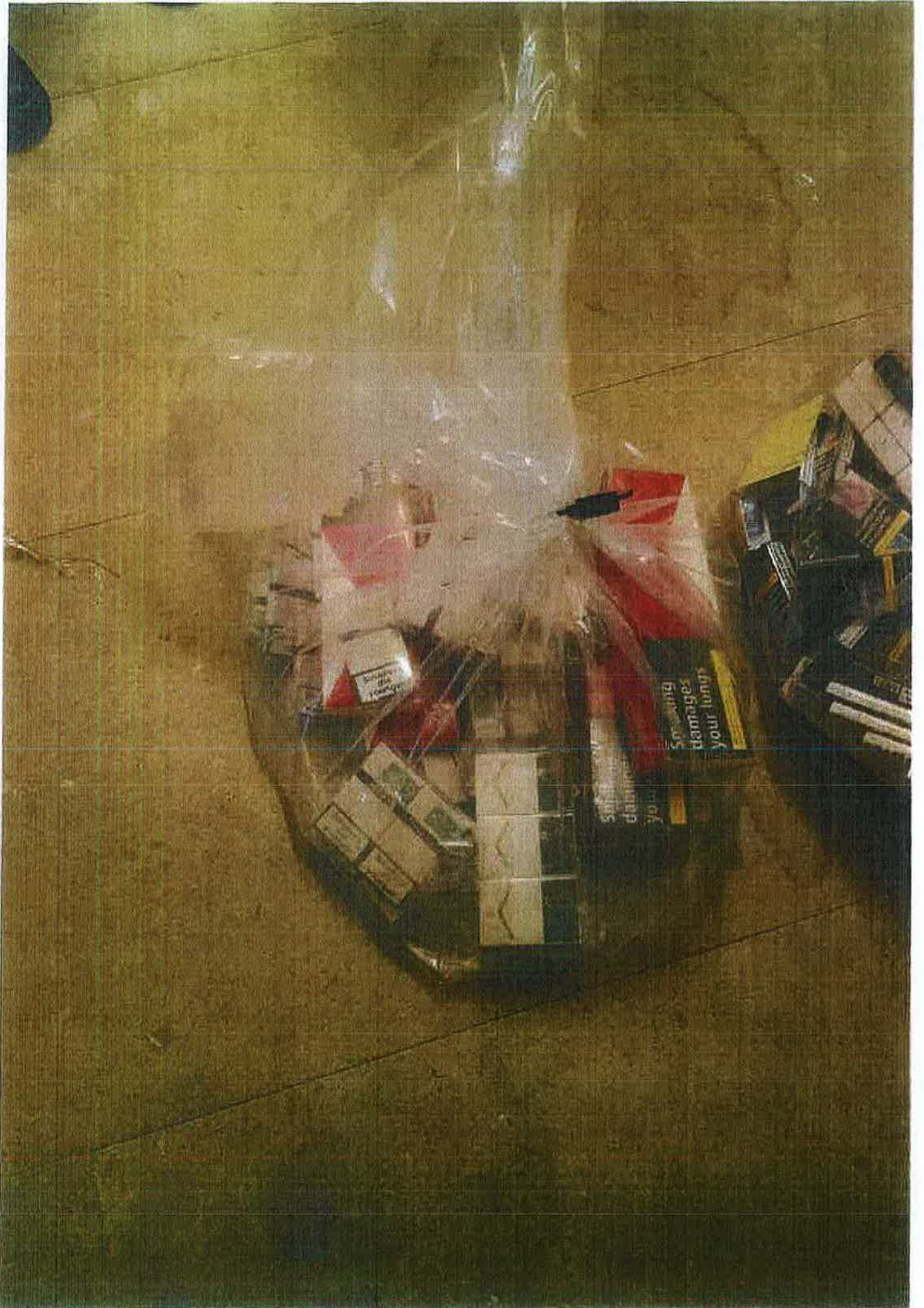
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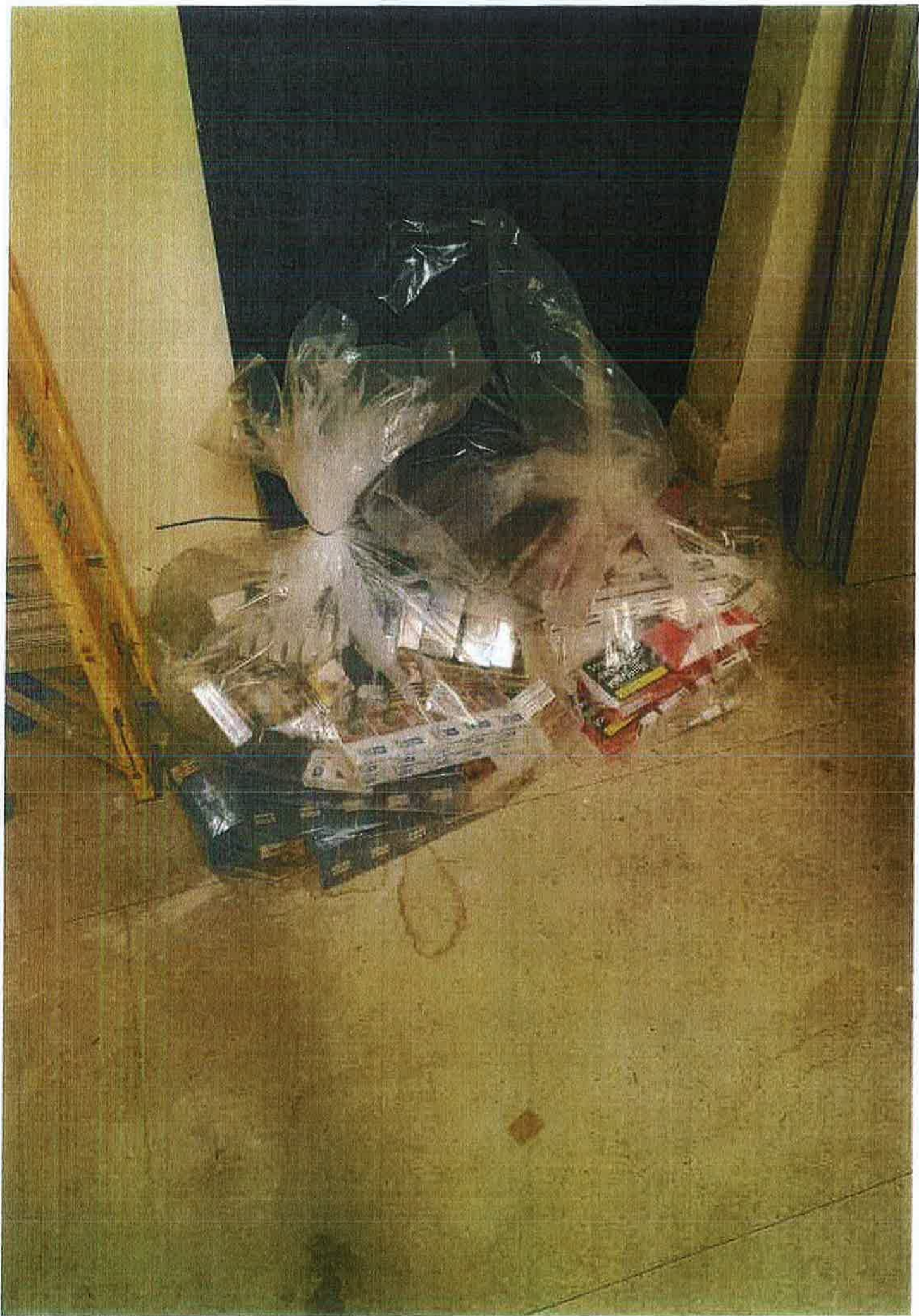
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DB/5



DS/6



NS/7

