



Licensing Act 2003

Representation made in respect of a Grant/Variation of a Premises Licence or Club Premises Certificate

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING THE ATTACHED FORM.

You have notified the Licensing Authority that you wish to make a representation concerning an application to grant/vary a Premises Licence or Club Premises Certificate.

The law does not require a representation to be in a standard format however, Pendle Borough Council, as the Licensing Authority, is obliged to decide whether your application is valid within the requirements of the Act and Regulations.

Under the provisions of the Licensing Act 2003 (Hearings Regulations) 2005, the Licensing Authority requests that you clarify the grounds upon which you are making representations. This form will assist you in ensuring that you have entered your representations properly and fully.

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. You may use your copy as an aide memoir at a hearing before the Licensing Committee.

The ground(s) for representation must be based on one of the licensing objectives.

Please list any additional information or details to support your application and attach any documentary or other information that you may wish to use. If you have not disclosed this information, you will not be able to introduce it at the hearing unless all the other parties consent.

Please note that by ticking the section below which appears on page 5 of this form -

I understand that the Licensing Authority is obliged to give notice of a hearing to all parties to the hearing and this must include a copy of this representation. (You must tick this box)	Yes
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and signing and dating the form, you are agreeing that a copy of your representation can be passed to the applicant and other associated parties.

If you do not want this to happen, you should contact the Licensing Office on 01282 661987 immediately and discuss it with an Officer. However, it should be noted that some or all of your personal details can only be withheld in exceptional and isolated circumstances and this course of action will only be considered where the circumstances justify such action.

I (insert name of person making representation whether as an individual or on behalf of a group or authorised to make a representation as a responsible authority)
 Pendle Borough Council Licensing Service (Responsible Authority)

make representations in respect of a grant/variation of a; (tick as appropriate)

Premises Licence	<input checked="" type="checkbox"/>
Club Premises Certificate	

Premises or club premises details

Name, address and postcode of premises or club premises in respect of which you are making representations. Europa 94 Barkerhouse Road	
Post town Nelson	Post code (if known) BB9 9EU

I am;

Tick as appropriate

- (a) a person
- (b) a body representing persons
- (c) a person involved in a business
- (d) a body representing persons involved in a business
- (e) a Responsible Authority
- (f) elected Borough Councillor

Please provide your details below -

DETAILS OF INDIVIDUAL / ORGANISATION / RESPONSIBLE AUTHORITY
 (mark as appropriate)

Mr.		Mrs.		Miss		Ms		Other	
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Surname		First Name	
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I am 18 years of age or older	<input type="checkbox"/>
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or

Name of the Organisation or Responsible Authority	Pendle Borough Council Licensing Service
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Address

Town Hall Market Street Nelson Lancashire
Postcode BB9 7LG

Contact name	Michael Armfield
Job Title	Licensing Enforcement Officer
Daytime contact telephone number	01282 661987
E-mail address	mick.armfield@pendle.gov.uk

Details of the licensing objectives which will be undermined by the variation.

This representation relates to the following licensing objective(s) (tick as appropriate)

the prevention of crime and disorder	<input checked="" type="checkbox"/>
public safety	<input type="checkbox"/>
the prevention of public nuisance	<input type="checkbox"/>
the protection of children from harm	<input type="checkbox"/>

Information and details of the Representation

Please note that if your representations relate to the Variation of an existing Licence or Certificate, the representations can only relate to the variation of the Licence or Certificate.

Please provide as much information as possible to support your representation. Please note that if you have not disclosed this information, you may not be able to introduce it at the hearing unless all the other parties consent.

..... continued on page 4

Pendle Borough Council's Licensing Service, as a Responsible Authority, wish to make a representation in support of the review application made by Lancashire County Council Trading Standards Service, in relation to the premises known as Europa, 94 Barkerhouse Road, Nelson, Lancashire, BB9 9EU.

Pendle Council Licensing officers first became involved in the investigation into Europa in June 2016 after being contacted by Trading Standards who were experiencing difficulty in ascertaining who was responsible for the business after their officers found illicit tobacco products hidden at the premises.

Contact was made by Pendle Licensing with the Designated Premises Supervisor (DPS) for the shop, Tasleem Balesaria, who confirmed that she had had no involvement with the premises since August 2015.

An official form to confirm her removal as DPS was e-mailed to her on the 21st June 2016. This was completed and returned, by e-mail, on Saturday 25th June 2016. A copy of that form is attached to this representation as Appendix 1.

On 28th June 2016 officers visited Europa and gave a letter to the Polish female shop worker who identified herself as Viktoria Boldt. Ms Boldt confirmed to officers that her employer's name was 'Raja' and the company was now called 'Euro Nelson'. The letter confirmed that there was now no DPS at the premises and, as a result, all alcohol sales should cease with immediate effect. She was also verbally informed that all alcohol had to be removed from public view or covered up. Attached, as Appendix 2, is a copy of that letter.

A further visit to Europa, to check for compliance was conducted on the following day. Alcohol was still on public view and Ms Boldt was warned that this was an offence and officers requested that she remove the alcohol into the storeroom.

Together with PS Middleton, Lancashire Police's Divisional Licensing Officer, a further follow up visit took place on the 30th June. Whilst no alcohol was on display the CCTV system was checked for compliance with the licence conditions.

It was found that there was no camera covering the outside of the premises as per licence condition B.1.1. During the visit, Ms Boldt, although she was the shop manager, was unaware how to download any footage from the system. This was despite a warning letter being previously sent to the premises licence holder in January 2015 outlining, amongst other things, issues with compliance with the licence conditions in relation to the CCTV system. A copy of the licence conditions and the letter are attached as Appendices 3 & 4.

Licensing officers were contacted again by Trading Standards on the 21st July 2016 regarding further seizures of illicit tobacco products, at the shop, the previous evening. The Trading Standards Officer who lead the operation said that whilst at the premises he had spoken with a staff member named Olga Jamkovskaja. From the description he gave of Ms Jamkovskaja it appeared to match that of Viktoria Boldt, the shop manager.

Later that morning in order to ascertain the staff member's true identity a further visit to the shop took place. When confronted with the details of the previous night's operation Ms Boldt confirmed to Licensing Officers that she was in fact, Olga Jamkovskaja.

Once again alcohol was on display on the shelves and in the rear passageway which was accessible to the public. Ms Jamkovskaja was requested to remove the alcohol to the storeroom area. She also confirmed her employer's name as Raja Samir whose name does not feature on the licence and is not known to Licensing officers.

Throughout the investigation into Europa it is evident that the person/people who own/run the business have consistently shown a total disregard for authority, the legislation relating to the sale of illicit tobacco and the Licensing Act 2003 in an effort to distance themselves from possible prosecution whilst at the same time reaping the financial benefits of selling illicit tobacco products.

This disregard has also been clearly seen when officers have dealt with members of the shop staff who, in addition to giving false names to both Licensing officers and the Police, have, on more than one occasion, failed to take heed of official warnings in relation to the sale of alcohol.

In trying to promote the four licensing objectives it is imperative that there is a good working relationship between the Licensing Service, other Responsible Authorities, the Premises Licence Holder and the Designated Premises Supervisor. At the vast majority

of the premises licensed by Pendle Council that relationship does exist. However, despite repeated attempts, and hours of officer time, in the case of Europa, this has not been possible due to the evasive stance that the owners of the business have adopted.

It is the opinion of the Licensing Authority that the present situation at Europa thoroughly undermines the crime and disorder licensing objective and this representation has been submitted to fully support the review application made by Lancashire County Council Trading Standards Service.

Have you made any representations in respect of these premises before? (Delete as appropriate)		No
Date that you made representations		

I understand that the Licensing Authority is obliged to give notice of a hearing to all parties to the hearing and this must include a copy of this representation. (You must tick this box)	<input checked="" type="checkbox"/>
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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 OR REPRESENTATION.

Section 6 Signatures

Signature of person making representation or a solicitor or other duly authorised agent. If signing on behalf of a body representing a person living or carrying on a business in the vicinity of the premises or on behalf of a responsible authority please ensure that have the right to sign a representation on their behalf and state the capacity in which you are signing.

Signature

Mick Amfield

Date 12th October 2016

Capacity - Licensing Enforcement Officer