

(Report of the Licensing Officer, Samantha Potts 7364)

Application – Variation of Designated Premises Supervisor
Premises – Swojska Chatka, 1 Broadway, Sheerness

Background

Swojska Chatka is a small Polish convenience store that was first licensed in March 2013. The original application was made in the joint names of Joanna Urban and Marta Sobotka. Joanna Urban was the DPS. After a few months of trading it came to the attention of the Licensing Authority that Joanna Urban had in fact left the premises and that Marta Sobotka was now in day to day charge of running the business.

Following a visit from the Licensing Enforcement Officer, Marta Sobotka applied for a Personal Licence. This application was granted as the Licensing Authority can only act on the information submitted and she had sat and passed a 'Personal Licence Holders Exam'. Further investigation into the training company has raised doubt over their training methods, however this cannot be proven.

An application to vary the DPS was submitted on 28th August. Under the Licensing Act 2003 these take immediate effect although the Police do have 14 days in which to carry out any investigations that they see fit and if necessary formally lodge an objection.

In this case the Police visited the premises and attempted to speak with Marta Sobotka, they found that she had no command of the English language and was unable to communicate with them. In light of this they lodged an objection to her being the Designated Supervisor on the grounds that they are not confident that she could promote the Licensing Objectives, in particularly 'The prevention of crime and disorder'. Their objection did not relate to any complaints received.

The amount of alcohol on sale at this premises is minimal, however there are a total of 19 conditions attached to the Premises Licence, to ensure that these are complied with a sound knowledge of the Licensing Act 2003 would be required as would the ability to work closely with all of the Responsible Authorities.

The applicant disagrees with the Police objection and feels that the ability to communicate in English is not essential (see attached letter)

Consultation

The application was served by the applicant on Kent Police, this is a requirement under the Licensing Act 2013.

Conclusion

Marta Sobotka has applied to vary the Designated Supervisor at Swojska Chatka, 1 Broadway, Sheerness. Kent Police have raised an objection on the grounds that the applicant does not speak English and therefore cannot promote the Licensing Objectives. Councillors must decide if any of the following are appropriate:

- *Grant the variation as applied for.*
- *Grant the variation with conditions.*
- *Refuse the variation (this would result in the shop having to remove alcohol from the shelves until such time as an alternative DPS, who the Police were happy with was found)*

Attachments

Application and consent form
Police Objection
Letter from Applicant
Copy of Personal Licence

Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/we MARTA KATARZYNA SOBOTKA

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

SHE/SWALE/189/0586

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description

1 BROADWAY

Post town

SHEERNESS, KENT

Post code (if known)

ME 12 1AB

Telephone number (if any)

07831989510

Description of premises (please read guidance note 1)

FOOD SHOP AND OFF LICENCE

Part 2

Full name of proposed designated premises supervisor

MARTA KATARZYNA SOBOTKA

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

SWALE - PL - 1460

Full name of existing designated premises supervisor (if any)

JOANNA URBAN.

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003



I have enclosed the premises licence or relevant part of it



(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

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SEE COVERING LETTER

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

pd £23.00 case
11363688

pay ref 329916
27/8/13

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature

M. Sabotie

Date

23 8 - 2003

Capacity

APPLICANT

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

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

Post town

Post Code

Telephone number (if any)

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

LEGAL
28 AUG 2013
DEPARTMENT

Consent of individual to being specified as premises supervisor

I MARTA KATARZYNA SOBOTKA
(full name of prospective premises supervisor)

of 62 UNITY STREET SHEERNESS KENT.
ME12

~~1 BROADWAY SHEERNESS~~ M. Sobotka
(home address of prospective premises supervisor)

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE (No SHG/SLALE/189/0586) SWOJSKA CHATRA
(type of application) 1 BROADWAY SHEERNESS KENT

by

MARTA KATARZYNA SOBOTKA
(name of applicant)

relating to a premises licence SHG/SLALE/189/0586
(number of existing licence, if any)

for

SWOJSKA CHATRA
1 BROADWAY
SHEERNESS
KENT.

(name and address of premises to which the application relates)

and any premises licence to be granted or varied in respect of this application made by

MARTA KATARZYNA SOBOTKA
[name of applicant]

concerning the supply of alcohol at

SŁOJSKA CIĄTŁA
1 BŁADLAW
SAGGANESS
KONT- M6 12 1AB

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

SWALE - PL - 1460
[insert personal licence number, if any]

Personal licence issuing authority

SWALE BOROUGH COUNCIL
[insert name and address and telephone number of personal licence issuing authority, if any]
SWALE HOUSE GAST STREET
SITTINGBOURNE KONT M610 3NT

Signed

M. Sobotka

Name (please print)

MARTA KATARZYNA SOBOTKA

Date

23 8.2013



**Kent
Police**

Chief Officer of Police Representation in relation to an application for variation of premises licence to specify individual as premises supervisor made under Part 3 Section 37 Licensing Act 2003 (S37(5) Licensing Act 2003)

Details of person making objection

Name of Chief Officer of Police	Chief Superintendant 10290 Nix
Postal Address: (Area Headquarters)	Medway Police Station Purser Way Gillingham Kent ME7 1NE
E-mail address	licensing.north.division@kent.pnn.police.uk
Telephone Number:	

Details of premises representation is about

Name of Premises:	Swojska Chatka
Address of premises:	1 Broadway, Sherness, Kent, ME12 1AB
Date application received by police	28.08.2013
Date representation sent to Licensing Authority	09.09.2013

Must be within 14 days of receipt - S.37(6) Licensing Act 2003

The Chief Officer of Police has received an application for the variation of a premises licence made under the provisions of Section 37 Licensing Act 2003. The relevant representations within the meaning of S.37(5) of the Licensing Act satisfy the requirements of S.37 (6) of that Act and are as follows:

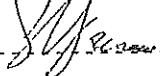
Is this a representation regarding the specification of a Premises Supervisor under S37 (5) Licensing Act 2003? YES

If yes, complete the following statement: -

Due to the exceptional circumstances of this case, I am satisfied that granting the application would undermine the crime prevention objective because

Having attended the premises I established that the applicant can speak and understand little to no English. I believe that this language barrier will prevent the applicant from fully engaging with any of the responsible authorities and hinder her in the promotion of the licensing objectives. I am informed that the applicant works at the store by herself with no other staff members and as such I have concerns that the applicant will be unable to challenge customers with regards to matters such as identification and unacceptable behaviour.

Please use separate sheets where necessary

Signed: 

Date: .09.\.09.\.2013.

Print name: .PC Chris Hill

Force Number: .12000.....

pp Chief Officer of Police for the Police Area in which the licensed premises are situated

Swojska Chatka

1 Broadway

Sheerness

Kent

ME12 1AB

26. 09. 2013r.

To

Mr Michael Mess

Council Licensing Department

With respect of your concerns I would like to apply for a hearing regarding the alcohol licence which was on hold on the 9.09.2013. I am strongly disagree with it.

I am an owner of „Swojska Chatka“ shop in Sheerness from November 2012. Previously this shop had 2 owners - myself (Urszula Sobotka) and Joanna Urban. Joanna (as her english was better then my) was dealing with all the things which require english language such a registration, personal licence, alcohol licence etc. Unfortunately she had some problems and immediately leave UK. She left me in May 2013. Although she had never gave me any notice. She told me that she was in a council office and she change the name on alcohol licence. As far as I was aware I was a new alcohol licence holder. I knew that to become a legal shop owner I needed to do my personal licence which I did start away. Joanna before she leave UK start also blackmail me as she wanted money from me. I was

very confused and intimidated by her. Joanna gave me information which in the end became wrong (mentioned above). This situation made me depressed. I ~~doesn't~~ ^{didn't} know what should I do. I ~~doesn't~~ ^{didn't} wanted to closed this shop. I would lose the money which I have put into this business.

About not having alcohol licence I find out in August 2013 when Mr Michael Moss visit my shop. That was not a pleasant surprise for me. Straight away I made an application as I knew that the selling those goods without licence is illegal.

On the 9th of September 2013 I had another visit - PC Chris Hill. After his visit my application for an alcohol licence was on hold. He left me (I believe for mistake) complain made by other shop with polish products. I thought that I will receive a copy of his report but I never did. I decided to ask my friend for help to solve this problem. She made a few phone calls behalf of me and she find help from Mrs Samantha Potts from Council Licensing Department. She help us to get a report from PC Chris Hill and she send it on my e-mail address straight away. On this report we read that we had 14 days to appeal. We get that report exactly 14 days after (with big help of Council Licensing Department).

I come to UK over 2 years ago and I have basic english which allowed me to have a simple conversation. I am very interested to improve my english language but unfortunately (as I was inform in a Gate Way Centre in Sheerness) I need to live in the UK at least 3 years to qualified for english lessons. Therefore level of my english is not a barrier to keep the rules under the alcohol licence. Without any problems I am able to ask

customers for their ID if decide that is necessary to check their age, or read their D.O.B. on their ID. I am also able to make a phone call to police if any of the customers behavior start being unacceptable. As far as I am aware that was the concern which PC Chris Hill had. I fully understand that, as that is his duties, but no one gave me a chance to prove my knowledge and ability about the rules of alcohol licence holder. In my opinion I don't need to speak english to use my eyes or count how old is the customer when I see ID ~~card~~ and a D.O.B. on it. I am confident to say that I know the rules - and I know how to keep them under regulations of this licence. I believe that you agree with me that this knowledge is more important then say all the regulations and act in english language.

As far as I am aware no one of the residents around had any problems with the alcohol sale in my shop, there is no law saying that the person which is selling alcohol need to speak english, there is no proves of breaking the rules under this licence by myself. There is only complain written by "polish shops" which treating me as a rival.

In the end I would like to point that alcohol is very important for my income. As we all know as we are a customers as well, people which buying alcohol buying also other products and divert.

Because of that I would like to ask you to look at your decision ones again.

PERSONAL LICENCE

LICENSING ACT 2003

LICENCE NO. SWALE-PL-1460

Swale Borough Council as the Licensing Authority hereby authorise and empower **Mrs Marta Katarzyna Sobotka** of to sell or supply alcohol or to authorise the sale or supply of alcohol, in accordance with the Licensing Act 2003

This Licence will expire on the 4th June 2023

Dated this 4th day of June 2013

Signed

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Name printed: Clare Thornby

Designation: Licensing Assistant

Office address: Licensing Department, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent ME10 3HT.