

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

RECEIVED

26 FEB 2016

**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 DC Gill Angus**

(Insert name of applicant)

**apply for the review of a premises licence under section 51 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**

**Best One**

**1-3 High Street**

**Post town Sittingbourne, Kent**

**Post code (if known) ME10 4AY**

**Name of premises licence holder or club holding club premises certificate (if known)**

**Mr Mevlut UZUM**

**Number of premises licence or club premises certificate (if known)**

**SIT/SWALE/189/0598**

**Part 2 – Applicant details**

I am

**Please tick yes**

1) an interested part (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

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

**3 a member of the club to which this application relates (please complete (A) below)**

**RESTRICTED (when complete)**

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**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in a applicable)

Please tick

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

**Surname**

**First names**

**Please tick yes**

**I am 18 years old or over**

**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 <b>DC Gill Angus - Police Licensing Officer</b> <b>Medway Police Station</b> <b>Purser Way</b> <b>Gillingham</b> <b>Kent</b> <b>ME7 1NE</b>
Telephone number (if any) <b>01634 792388</b>
E-mail address (optional) <b>licensing.north.division@kent.pnn.police.uk</b>

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

Please tick one or more boxes

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

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

Best One has failed to promote the prevention of crime and disorder objective.

Best One was visited in a joint operation between Kent Police Licensing and officers from HM Revenue and Customs (HMRC) on Thursday 11<sup>th</sup> February 2016 where several items of non duty paid alcohol was seized

During this visit the following were seized:-  
21 x 70cl bottles of High Commissioner Whisky  
8 x 70cl bottles of Bells Whisky  
5 x 70cl bottles of Teachers Whisky  
11 x 1 litre bottles of High Commissioner

This is a total of 58 .8 litres of whisky that was non duty paid

In addition 2 of the current licence conditions were being breached

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**Please provide as much information as possible to support the application**

(please read guidance note 2)

HM Revenue and Customs (HMRC) and Kent Police Licensing officers attended Best One 1-3 High Street Sittingbourne.

While at the premise HMRC officers located the following items on display behind the till. The male working in the shop was Mr Gokhan UZUM who has worked at the store since the licence was granted on 27<sup>th</sup> August 2013 but stated the goods were old stock which he had no invoices for.

21 x 70cl bottles of High Commissioner Whisky

8 x 70cl bottles of Bells Whisky

5 x 70cl bottles of Teachers Whisky

11 x 1 litre bottles of High Commissioner

This is a total of 58.8 litres of whisky that was non duty paid and displayed openly in the premise for sale

Officers from HMRC seized these items under Section 139 of the Customs and Excise Management Act 1979. The premises Licence Holder and Designated Premise Supervisor Mr Mevlut UZUM was not present at the time of the seizure but Mr Gokhan UZUM signed paperwork in relation to this seizure by HMRC.

Mr UZUM has made no attempts to contact officers from HMRC in order to prove the legitimate purchase of these items since this date and HMRC officers looked through some invoices but could find nothing relating to the seized wine.

The purchase, stocking, displaying and sale of these non-duty paid items clearly fails to promote the crime and disorder licensing objective.

In addition there were 2 breaches of the licence conditions:

No single cans or bottles of alcohol shall be sold or supplied on their own unless they form part of general groceries sale, licensing officers witnessed a male enter and purchase a single can. At the time of the sale the licensing officer was unaware of this condition and there was a lot of activity relating to the HMRC seizures.

At all times when the premise is open for licensable activity a minimum of two employees must be present on the shop floor at any one time. On arrival at the premise only Mr Gokhan UZUM was in the premise and it was approximately 45 minutes before Mr Volkan UZUM attended the premise

The Home office guidance issued under Section 182 of the Licensing Act 2003, section 11.27 states that in relation to reviews – There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale of smuggled tobacco and alcohol. Amongst others.

Section 11.28 continues to state - It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. 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 – should be seriously considered.

Kent Police Licensing are seeking to review this licence in order to promote the licensing objectives and ask for:

- 1) Revocation of the premises licence

However, should the committee decide not to revoke the premises licence then Kent Police Licensing ask for

- 2) Suspension of the premises licence for a period of 3 months to allow the venue to reset.

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3) Modify the conditions of the licence to amend the condition relating to single can and bottle sales to Only sales of 4 or more cans or bottles of beer, lager and cider shall be sold or supplied under any circumstances.

All alcohol must be purchased from a registered bona fide wholesaler and invoices pertaining to the purchaes of alcohol must be retained on the premise for a minimum of 2 years and made available to Police, local authority officers and HMRC officers on demand.

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**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**

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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  .....

Date 24-02-2016 .....

Capacity Licensing Officer .....

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

<b>Post town</b>	<b>Post code</b>
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<b>Telephone number (if any)</b>
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<b>If you would prefer us to correspond with you using an e mail address your e mail address (optional)</b>
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**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.









