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5 August 2016

LICENSING SUB-COMMITTEE (ALCOHOL AND REGULATED ENTERTAINMENT) – 17 AUGUST 2016

APPLICATION UNDER THE LICENSING ACT 2003 for the review of a premises licence.

A meeting of the Licensing Sub-Committee (Alcohol and Regulated Entertainment) will be held at 10am on Wednesday 17 August 2016 in the Council Chamber, Town Hall, Rugby.

Adam Norburn
Executive Director

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Declarations of Interest.
 - (a) To receive declarations of –
 - (b) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (c) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
 - (d) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

Note: Members are reminded that they should declare the existence and nature of their non-pecuniary interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a pecuniary interest the Member must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

2. Application for review of the Premises Licence relating to K2 Mini Market, 41 Church Street, Rugby, CV21 3PU.

Membership of the Sub-Committee:

Councillors Miss Lawrence (Chairman), Cade and Mrs Roodhouse

If you have any general queries with regard to this agenda please contact Linn Ashmore, Democratic Services Officer (01788 533522 or email linn.ashmore@rugby.gov.uk).

Any specific queries concerning reports should be directed to the listed contact officer.

If you wish to attend the meeting and have any special requirements for access please contact the Democratic Services Officer named above.

AGENDA MANAGEMENT SHEET

Name of Meeting	Licensing Sub-Committee (Alcohol and Regulated Entertainment)
Date of Meeting	17 August 2016
Report Title	Application for Review of the Premises Licence, relating to K2 Mini Market, 41 Church Street, Rugby CV21 3PU
Ward Relevance	Benn
Prior Consultation	The statutory notifications have been carried out.
Contact Officer	Les Jackson, Tel: 01788 533667
Report Subject to Call-in	This report is not subject to Call-In because it is a report to a regulatory committee.
Report En-Bloc	Not applicable
Forward Plan	Not applicable
Corporate Priorities	Not applicable
Statutory/Policy Background	This application for the review of a premises licence is made under section 51 of the Licensing Act 2003. The Council has a statutory duty under the Licensing Act 2003 to determine such matters and, where required, to hold hearings to determine the applications. The Council's Statement of Licensing Policy aims to promote the licensing objectives.
Financial Implications	There are no financial implications arising from this report
Risk Management Implications	There are no risk management implications arising from this report
Environmental Implications	There are no environmental implications arising from this report

Legal Implications

The Licensing Authority is required to carry out its functions with a view to promotion of the Licensing Objectives and having regard to the Statutory Guidance and the Authority's Statement of Licensing Policy. The Licensing Objectives are:

The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance
The Protection of children from harm

There is a right of appeal to the magistrate's court against any decision made by the Sub-Committee.

Summary

An application for a review of the Premises Licence for K2 Mini Market, 41 Church Street, Rugby has been submitted by David Burrows on behalf of Rugby Borough Council acting in its capacity as a responsible authority (see Appendix 1). The review relates to all four of the licensing objectives.

The application for review outlines the history of the premises licence, and details a number of issues relating to non-compliance with the conditions in the relatively short period since the licence was granted.

The premises licence holder is Katherine Lekaj and the licence authorises the sale by retail of alcohol (off sales only) between the hours of
Monday to Saturday 08:00 to 22:30
Sunday 10:00 to 22:00.

Representations have also been received from other responsible authorities - Trading Standards and Warwickshire Police.

Options

The following options are available to the Sub-Committee:

- leave the licence unchanged;
- modify the conditions of the licence;
- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor;
- suspend the licence for a period of not more than three months;
- revoke the licence

Recommendation

The Sub-Committee is requested to determine the application.

***Reasons for
Recommendation***

The Sub-Committee is required to determine the application after first holding a hearing at which all parties are given an opportunity to present their case.

Rugby Borough Council

**Licensing Sub-Committee (Alcohol and Regulated Entertainment) –
17 August 2016 – 10.00**

Report of the Head of Environment and Public Realm

**Application for Review of the Premises Licence relating to
K2 Mini Market, 41 Church Street, Rugby**

Recommendation:

The Sub-Committee is requested to determine the application.

1. SUMMARY OF APPLICATION

- (a) Date of application: 29th June 2016
- (b) Applicant: Rugby Borough Council (in its role as a responsible authority)
- (c) Premises to which the application relates:
K2 Mini Market, 41 Church Street, Rugby
- (d) Grounds for review:
The premises licence holder has continually failed to comply with conditions attached to the licence.

The review application has been advertised and communicated to the various parties in accordance with legislative requirements.

2. THE APPLICATION

- 2.1** A copy of the application for review of the premises licence is attached at Appendix 1. The application contains the following additional documents:

- Annex 1 – Copy of application for premises licence
- Annex 2 – Letter date 4th November 2015 pointing out omissions from the application
- Annex 3 – Representations re application from Trading Standards and Warwickshire Police suggesting additional conditions
- Annex 4 – Email from premises licence holder accepting suggested conditions
- Annex 5 – Letter dated 21st December 2015 re grant of premises licence and enclosing licence containing conditions
- Annex 6 – Copy of extract from operating schedule in application
- Annex 7 – Letter dated 5th February 2016 relating to non-compliance with provisions of licence
- Annex 8 – Letter dated 4th March 2016 relating to outstanding items of non-compliance

Annex 9 – Letter dated 22nd March 2016 re postponement of Action Plan review

Annex 10 – Letter dated 22nd April 2016 re meeting to discuss Action Plan

Annex 11 – Schedule of conditions, each signed by premises licence holder confirming understanding

Annex 12 – Letter dated 9th May 2016 re continuing breaches of conditions setting deadline of 1st June and indicating that review will be sought if breaches exist after that date

Annex 13 – Letter dated 15th June 2016 requesting download from CCTV

Annex 14 – Copy of staff authorisation to sell alcohol dated 22/2/16

Annex 15 – Copy of staff authorisation to sell alcohol dated 29/4/16

- 2.2 A site plan showing the location of the premises is attached as Appendix 2.
- 2.3 The application for review contains a detailed history of the premises licence since it was granted in December 2015 including details of non-compliance with conditions and how those conditions came to be imposed.
- 2.4 Details are also provided of attempts made to secure compliance with the licence provisions, including advice given to the premises licence holder and the introduction of an action plan.
- 2.5 The premises are currently authorised for:
- Sale by retail of alcohol (off sales only)
Monday to Saturday 08:00 to 22:30
Sunday 10:00 to 22:00
- 2.6 A copy of the licence is included at Annex 5 of the review application (Appendix 1).

3. REPRESENTATIONS RECEIVED

3.1 Representations from Trading Standards – Mr Simon Coupe

Trading Standards representation relates to the following licensing objectives:

- Prevention of crime and disorder
- Protection of children from harm

The representations give details surrounding the seizure of illicit non duty paid tobacco products at a visit on 23rd May 2016.

The representations also refer to a seizure of illicit tobacco from the premises in August 2015, which resulted in an application for review being submitted but this did not proceed to hearing as the premises licence was surrendered.

The representations point to the fact that the same member of staff was present on the premises on both occasions and suggest revocation of the licence because of the way the business is being run.

3.2 Representations from Warwickshire Police – PS Watkins

The Police representations relate to all four licensing objectives.

The representations deal with the non-compliance with conditions attached to the licence. They also detail issues experienced during the existence of the previous licence which initiated the request for additional conditions at the time the licence was granted.

The Police also suggest revocation of the licence.

3.3 Copies of the representations are attached at Appendices 3 and 4.

4. POLICY CONSIDERATIONS

4.1 This matter must be considered on its merits and the determination must be reasonable and proportionate, having regard to the Council's Statement of Licensing Policy and with the focus on the promotion of the licensing objectives i.e:

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

In determining an application, the council must carry out its functions with a view to promoting these licensing objectives, and having regard to its Statement of Licensing Policy and the Statutory Guidance issued by the Secretary of State.

4.2 The following paragraphs of the Council's Statement of Licensing Policy may be relevant to the Sub-Committee's consideration of the application:

Paragraphs 8.1 to 8.11 - Prevention of Crime and Disorder
Paragraphs 8.12 to 8.16 - Promotion of Public Safety
Paragraphs 8.17 to 8.21 - Prevention of Public Nuisance
Paragraphs 8.22 to 8.32 - Protection of Children from Harm

5. OPTIONS AVAILABLE TO THE SUB-COMMITTEE

The Sub-Committee has a number of options when determining this matter:

- (a) leave the licence unchanged;
- (b) modify the conditions of the licence;
- (c) exclude a licensable activity from the scope of the licence;
- (d) remove the designated premises supervisor;
- (e) suspend the licence for a period of not more than three months;
- (f) revoke the licence.



Rugby Borough Council, Licensing Team, Town Hall, Evreux Way, Rugby, CV21 2RR

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 David Burrows on behalf of Rugby Borough Council Licensing Authority

(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

K2 Mini Market
41 Church Street

Post town Rugby

Post code (if known) CV21 3PU

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

Katherine Lekaj

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

RY/CV21/0731 - PS

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 Mr David Burrows Regulatory Services Manager Rugby Borough Council Town Hall Evreux Way Rugby CV21 2RR
Telephone number (if any) 01788 533533
E-mail address (optional)

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 <input type="checkbox"/> |
| 2) public safety | X <input type="checkbox"/> |
| 3) the prevention of public nuisance | X <input type="checkbox"/> |
| 4) the protection of children from harm | X <input type="checkbox"/> |

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

A Premise licence application was received by Rugby Borough Council Licensing Authority on Thursday 29th October 2015 (See Annex 1) under section 17 of the 2003 Licensing Act.

Unfortunately the application was missing a plan and a completed consent form, therefore making the application invalid under Section 17(3)(b)&(c). A letter was sent to the applicant Katherine Lekaj dated 4th November 2015, asking for the missing items, and advising that we could not accept the application as a valid application until this information has been received (See Annex 2).

The information was received and the application was valid with effect from 17th November 2015, the applicant was informed of this date. During the consultation period the Licensing Authority received 2 representations against the application (see Annex 3). These were from Warwickshire Police, asking for more enforceable conditions and likewise from Trading Standards also asking for extra conditions.

The representations were passed to the applicant who was also given the advice from members of the licensing team, to only accept the conditions if she agreed they were necessary to promote the licensing objectives and if she was able to fulfil the conditions. Katherine Lekaj agreed to accept all the modified and new conditions from both Trading Standards and the Police, this notification was received via email dated 14th December 2015 (See Annex 4).

As a result of this confirmation from Ms Lekaj both the Police and Trading Standards withdrew their representations against the application for a Premise Licence. The

Licence was granted with effect from 16th December 2015 the applicant was informed of this. The new licence was issued and sent out to the Premise Licence Holder – Katherine Lekaj on 21st December 2015 (See Annex 5).

Since the issue of the premise licence for K2 Mini Market of 41 Church Road Rugby CV21 3PU on the 16th December 2015, there have been constant interventions between the licensing department of Rugby Borough Council (RBC), Warwickshire Police and the Premise Licence holder. These have been to ensure that all conditions of the premises licence are being met at all times, when the authorisation to sell alcohol by retail is being used.

These conditions are the Mandatory Conditions set by the 2003 Licensing Act, the conditions self-imposed within the operating schedule section M (See Annex 6) and those conditions agreed by the applicant Katherine Lakaj with Warwickshire police and Trading Standards prior to the grant of the licence.

Unfortunately many of the conditions have not been complied with throughout the 6 month life of the licence although there have been many interventions, meeting and time spent with the premise licence holder, working through the problems. It has been pointed out to the Premise licence holder on many occasions that it is a criminal offence under Section 136(1) of the 2003 Licensing Act to sell alcohol against the authorisation given by the licensing authority in the form of the premises licence and that Rugby Borough Council could prosecute or take the licence for a Licensing Review.

This has been continual and on the last visit made on the 8th June 2016 there were still 6 Licensing conditions not being complied with.

It is on this evidence that Rugby Borough Council as the Licensing Authority bring this Section 51 Licensing review for the Premises known as K2 Mini Market, 41 Church Street, Rugby.

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

A routine visit was made to the premises on 5th February 2016, with an inspection to ensure that the licence holder understood and was fulfilling the conditions of the licence; the visit was in conjunction with Warwickshire Police. The premise licence holder was not present and the inspection was with the shop assistant. We found there to be 7 breaches of the premise licence, a letter was sent out that day explaining all the problems found (see Annex 7).

A second visit was made on 22nd February 2016, to follow up the first again this was with Warwickshire Police. The premise licence holder was present, there had been some improvements made but sadly there were still 7 breaches of licence conditions. This resulted in a joint decision being made for an action plan to be placed on the premises seeking improvement and compliance to the licensing conditions. A written record of the visit and a copy of the action plan were sent to the premise licence holder on 4th March 2016 (see Annex 8). An agreed appointment was made to review the action plan on the 21st March 2016, assistance was offered to help the premise licence holder to ensure that she was complying with her conditions.

On the 17th March the premise licence holder advised that she was in hospital and had been for some time. It was agreed to give an extension to the action plan and the review meeting was re arranged to 22nd April 2016 (see Annex 9).

The Action plan review took place on the 22nd April, this was with the premise licence holder, her sister, Sgt Watkins and Penny Clarke licensing officer for RBC. There were still 6 licensing conditions not being complied with, with other concerns raised (see Annex 10). It was decided that we needed to sit down out of the premise and go through each condition with Ms Lekaj to ensure that she fully understood what was expected from her. We had concerns that due to her sight problems that she may not be able to read the licensing conditions. A meeting was arranged for the 9th May 2016. We also requested that the premise licence holder download CCTV footage that corresponded with 2 of the refusals recorded in her refusals log and requested that this footage be sent to Mrs Clarke by 6th May 2016.

6th May 2016, RBC had not received any CCTV footage from the premise licence holder, nor any communications from her advising that there was a problem or that the CCTV was on its way.

9th May 2016, a meeting was held at the police stations, present was Katherine Lekaj the premises licence holder and DPS, with her sister Julia Galligan, Sgt Samantha Watkins from Warwickshire police and Penny Clarke RBC. They went through all of the conditions both mandatory and conditions consistent with the operating schedule which were agreed with police and trading standards. Sgt Watkins read out each condition and what the current position of the condition was; ie was it being complied with or what the problems were. This was then discussed, whether anything needed to be rectified. Ms Galligan (PLH's sister) made notes and there were lots of discussions between all present on what needed to be done and how to make the changes. This process was taken with each of the conditions. Ms Lekaj was asked to sign after each condition to ensure that she fully understood what was expected from her as the premise licence holder for that condition (see Annex 11).

Ms Lakaj was advised at the end of the meeting (and it was also in the letter given to her see Annex 12) that the conditions must all be in place by the 1st June 2016, after this date an unannounced visit would be made, should the conditions not be in place

then it would result in a review of her premise licence and/or a prosecution under section 136(1) of the Licensing Act 2003. Ms Lakaj fully understood this.

Ms Lakaj informed Penny Clarke at the meeting that the CCTV had broken and that it did not record the 12th April 2016, and therefore she could not supply the requested footage, also the footage requested for the 20th March 2016 expired as was after the 31 days storage. But it had now been fixed.

8th June 2016, Penny Clarke RBC with Sgt Watkins attended for the unannounced visit. The premise licence holder was not present at the shop, but shop assistant Mr Hussein Osman was present.

Problem's found on that visit, which have been on going since the licence was granted

Prevention of Crime and Disorder

1. **CCTV to comply with BS 7958. The system should be recording at all times that the premises are open for licensable activity. The CCTV should be stored for 31 days, and there should be someone available at all times when the premises are open, who can operate the system and able to download footage instantly, so that it is available to the police or other responsible authority on request.**
- This has been an ongoing problem since this licence was granted and also with the premises under a different licence, with the same CCTV system. We have been assured by Ms Lakaj that she has called out the Technician's and had a new hard drive etc. Yet the same problem still continues.
 - During RBC's last visit on 8th June, the officer wanted to ensure the CCTV was working and recording. She could see it working on the monitor next to the till and requested to view footage from 29th May @ 17:18hrs as this should show a refusal to sell. This was on the recording.
 - She also asked to view 3rd June @ 18:40, Mr Osman was not able to view this footage as it did not record. She asked to view the 8th May (as this is the 31st of recording that should still be available) this was not available, nor the 9th, 10th, 11th etc the first available date that had been recorded was the 24th May 2016 this meant that the CCTV is only being kept for 16 days.
 - Mr Osman could not download any of the CCTV footage that had been recorded. The officer found in his training records that he signed to say that he had received the training, this was accompanied with a procedural flowchart with instructions on how to download from the CCTV system, this was a step by step guide, and even with this Mr Osman could not carry out the request to download CCTV. The officer waited for over 25 minutes for him to inform her that he could not do this.
 - A letter was sent to Ms Lakaj (see Annex 13) requesting the CCTV for 23rd May 2016 @ 1830 hrs be forward to the licensing department as soon as possible. At the time of submitting this review, the CCTV not been received and there had been not communications from Katherine Lakaj.

- **This condition is still not being complied with.**
- 2. **The DPS will give written consent to all authorised persons to sell on their behalf. A copy of this written consent should be kept in the premises and made available to authorised persons from Responsible Authorities.**
- Since the grant of the premise licence, RBC licensing team have requested to see the written authorisation. On the first visit there was no written consent (See Annex 7).
- On the 2nd visit on 22nd February, Ms Lekaj was informed that the authorisations should not be added to after she has signed and dated the document. Instead she should write new authorisations out (see annex 8). Katherine was asked for a new authorisation to be brought to the licensing team at the council by 29th February. The new authorisation forms arrived on 1st April 2016 over 5 weeks after it being requested. Unfortunately the document that Ms Lekaj supplied was not completed correctly (see Annex 14).
- On the 22nd April's visit the authorisations did not include relief/temporary members of staff to the authorisations. There was a new member of staff that started that day, which also needs to be added to the authorisations. Ms Lekaj also advised that she had other staff that helped out. Again advice was given to Ms Lekaj that all members of staff that sell alcohol on behalf of her (as the Designated premise supervisor) must be authorised in writing by her (see Annex 11).
- On the 8th June, a Licensing officer requested to view the written authorisation list (see Annex 15) to find that another name had been added to the list in a different hand writing to Ms Lekaj's and in a blue pen. It would appear that Mohamed Karim has been added to the list dated 29th April 2016 and it is our belief that Ms Lekaj has not added him.
- **This condition is still not being complied with.**

Under Public Safety

- 3. **CCTV cameras are to be positioned in the premises to ensure that customers arriving are monitored along with the till areas in front and behind the tills.**
- Since the grant of the licence, this condition has not been complied with. The CCTV camera that covers the front door does not show a clear picture and identifiable image of persons entering the premise. The image is too dark, you can only make out an image of a person entering. The Camera behind the till is often switched off and not recording. Katherine has advised previously that the cable falls out as it is a tight fit with were the hard drive is located.
- On the 8th June the camera behind the till was working but we were unable to see if it was recoding. The camera at the front door still showed a dark image only of someone entering the premise, it is not clear image.
- **This condition is still not being complied with.**

4. Outside lighting

- The exterior light in the covered porch area of the premise, has been tested on several occasion and is working.

5. Fire Alarms

- These have never been tested by RBC.

Under the Prevention of Public Nuisance

6. Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of alcohol to any person believed to be drunk. With written instructions available to staff on duty on what to do if in this situation.

- Since the grant of the licence RBC licensing officers have tried to work with Ms Lekaj on what training she should put in place for her staff.
- On the 8th June, there were still no visible written instructions for staff to follow. There was in one person's training records information in the name of 'Hussein' no Mr, Mrs or Miss, and no identification of a first name or surname, just 'Hussein'. There was information re Proxy Sales training given to Hussein on 22nd May 2016 with the training information included. Looking in the other training record for Juila, this was blank with no records included. There were no other training records in the premises.

- **This condition is still not being complied with.**

7. A refusals book will be compiled and maintained containing records of instances/persons who have been refused the sale of age restricted items on the basis of either their perceived age, or that it is perceived to be a proxy sale, including dates, times, description of instances/person and the shop assistance who dealt recorded it. This must be entered at the time or immediately after the refusal and all records should be made available to authorised persons from Responsible Authorities.

- There have been entries made to the refusals register since the grant of the licence. A way of checking that these refusals occurred, we look back at the CCTV footage. RBC licensing officer has requested to view the footage of a refusal on the 15th February @ 13.10hrs, she could not see the footage on the recording at the date and time recorded in the refusals book, it was left with Ms Lekaj to find it and bring the footage into the Council for us to view it. This was supplied but unfortunately the footage did not reflect the incident recorded in the refusal log. The female appeared to only go to the soft drinks fridge on the opposite site of the premises, and did not appear to try and purchase any alcohol. A letter dated 4th March was sent to Ms Lekaj asking for any explanation of this (see Annex 8). We still have not received any explanation.
- On the 8th June, the member of staff was able to show a refusal that took place on the 29th May @ 17.18. Mr Osman the member of staff was advised that perhaps he could have put down a little more description on the refusal record.
- We have requested other footage of refusals over the 6 month period and none have been supplied, due to the CCTV system not recording or that

staff are unable to download the images.

8. Ensure noise levels are kept to a minimum.

- There has only been once that a fridge unit was very noisy, but no other noise problems are known to the licensing team.

Under the Protection of Children from Harm

9. Anyone who appears to be under the age of 25, and who is attempting to purchase alcohol must be required to produce proof of age before such a sale is made. This proof of age should be photographic ID, such as driving licence, passport, 'Prove It' card.

- RBC licensing team have never seen a challenge taking place.

10. 'Challenge 25' posters and posters regarding proxy sales will be on display in full view of the public.

- Posters are on public view.

11. Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of all age restricted goods, including the awareness/prevention of proxy sales. The training should also cover changes in relevant legislation, and the use and storage of CCTV.

- Since the grant of the licence, the licensing team have struggled to obtain compliance of this condition. On the last visit by an officer, they were pleased that a training record for did exist for ID/Challenge, proxy sales and how to use the CCTV system, but this was only for one employee and not for all. The training did not identify which products were age restricted just how to carry out a challenge and what ID to check. This was only in one person's training records. This was name 'Hussein' the other folder named 'Julia' was empty and there were no other folders for other members of staff.
- **This condition is still not being complied with.**

12. Alcohol displayed for sale will not be obstructed from the view of the sales assistants, and non alcoholic/soft drinks, crisps and confectionery will be situated away from the alcohol display area.

- The shelving unit which contained soft drink had been moved away from the alcohol shelves and fridges when requested to do so in February. The unit is still approximately 1m away; it is the first items and shelves nearest to the alcohol. It was therefore requested on the 9th May that Ms Lekaj did not stock soft drinks on this unit. When visited on the 8th June, all soft drinks had been removed from the shelving units.

13. Such training sessions in condition 6 & 11 are to be documented and records to be kept in the premises and made available to authorised persons from Responsible Authorities.

- As per comments made on condition 6 & 11 above. Training records have not previously been available for inspection. On the visit that was conducted on the 8th June 2016. There were training records for 'Hussein' dated and signed 22nd May 2016. The training record folder named 'Julia'

only contained blank records nothing had been completed. There were no other training records available. If we look at Annex 15, it shows that there are 5 members of staff including the premise licence holder/DPS. Training records were not present for all staff.

- **This condition is still not being complied with.**

14. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made

- There has always been a note by the till with the asking the cashier if a challenge needs to be made.

Other problems that RBC licensing team have been identified since the grant of the licence:

- Part A of the premise licence has not been held on the premise
- Part B of the licence has not been on public display
- Out of date and pasted the best before date food and drink being sold at reduce price.
- Pubwatch radio not being switched on and staff not being aware of how to use the radio's.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
↓	↓	↓
↓	↓	↓
↓	↓	↓
↓	↓	↓
↓	↓	↓
↓	↓	↓
↓	↓	↓

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

N/A

Please tick ✓ yes

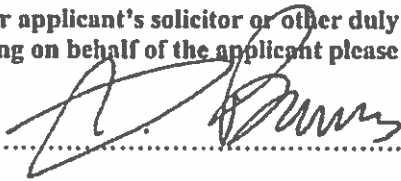
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 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

29th June 2016

Capacity **Head of Regulatory Services for Rugby Borough Council**

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.

In 71 5/11/15
Appendix 1



Rugby Borough Council, Licensing Team, Town Hall, Evreux Way, Rugby, CV21 2RR
Application for a premises licence to be granted
under the Licensing Act 2003

Annex 1

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.

RUGBY BOROUGH COUNCIL	
Date Rec'd 29 OCT 2015	
Referred to _____	
For _____	

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

I/we KATHERINE JULIE LEKAT
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description		K 2 mini MARKET	
41, CHURCH STREET			
RUGBY			
WARWICKSHIRE			
Post town	RUGBY	Postcode	CV21 0BP CV21 3PH
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£ 7,300		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

RUGBY BOROUGH COUNCIL
CLERK AND IS

29 OCT 2015

RECEPTION

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input checked="" type="checkbox"/>	Other Title (for example, Rev)	
Surname LEKAT			First names KATHERINE		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		18, MORRIS CLOSE			
Post town	RUGBY		Postcode	CV21 1AX	
Daytime contact telephone number			07527 322859		
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
20	04	2015

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
1	1	1

Please give a general description of the premises (please read guidance note 1)

DOUBLE FRONTED SHOP WITH LICENCE TO SELL ALCOHOL.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)	
Day	Start	Finish		
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)	
Tue				
Wed				
Thur				<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Tue						
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Wed						
Thur						
Fri						
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left. please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 7) <input checked="" type="checkbox"/> On the premises <input checked="" type="checkbox"/> Off the premises <input type="checkbox"/> Both
Day	Start	Finish	
Mon	8.00	22.30	
Tue	8.00	22.30	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) <u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Wed	8.00	22.30	
Thur	8.00	22.30	
Fri	8.00	22.30	
Sat	8.00	22.30	
Sun	10.00	22.00	

✦ State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	KATHERINE LEKAT	
Address	18, MORRIS CLOSE RUGBY WARWICKSHIRE	
Postcode	CV21 1AX	
Personal licence number (if known)		
Issuing licensing authority (if known)	RUGBY	

K

Please highlight any 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 (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	8.00	22.30	
Tue	8.00	22.30	
Wed	8.00	22.30	
Thur	8.00	22.30	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</u>
Fri	8.00	22.30	
Sat	8.00	22.30	
Sun	10.00	22.00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

CCTV, REFUSE'S REGISTRAR, INFORM POLICE, INFORM OF CHANGE ADDRESS

b) The prevention of crime and disorder

C.C.T.V. AND LOCAL CRIME PREVENTION INITIATIVES, NOTICES,

c) Public safety

OUTSIDE LIGHTING, FIRE ALARMS, TRAINED STAFF

d) The prevention of public nuisance

REFUSAL TO SERVE TO A DRUNK, ENSURE NOISE LEVELS ARE KEPT TO A MINIMUM.

e) The protection of children from harm

PASS IDENTIFICATION, TRAINING OF STAFF WITH RELATION AS TO UNDER AGE SALE PREVENTION AND ACCEPTABLE FORMS OF IDENTIFICATION

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	<i>A. L. Taylor</i>
Date	27.10.15
Capacity	.

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). 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 13)

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Application for a Premises Licence (To be returned with the application)

Licensing Act 2003

Licensing Team, Town Hall, Evreux Way, Rugby CV21 2RR

Telephone 01788 533884

Fax 01788 533866

Web Site www.rugby.gov.uk

TO: RUGBY BOROUGH COUNCIL

Premises Details

BUSINESS NAME:

K2 MINI MARKET

ADDRESS:

41, CHURCH STREET
RUGBY,
WARWICKSHIRE

POSTCODE: CV21 3PU

TELEPHONE NUMBER

E-mail:

madkath45@hotmail.co.uk

RESPONSIBLE AUTHORITIES	DATE SENT
Licensing Authority (RBC)	29/10/15
Police	29/10/15
Fire	29/10/15
Children's Department (WCC)	29/10/15
Trading Standards (WCC)	29/10/15
Health & Safety (RBC)	29/10/15
Noise (RBC)	29/10/15
Planning (RBC)	29/10/15

AMUSEMENTS WITH PRIZES

Number of machines

Expiry of Permission

Rugby Borough Council will use the information you provide on this form for administration of a Licence. The Council will show the information you provide to such of its employees and agents as need to see it to achieve the purpose stated above. Your information will not be disclosed other than within the Borough Council's notification under the Data Protection Act 1998, unless the law allows us to do so.



Rugby Borough Council, Licensing Team, Town Hall, Evreux Way, Rugby, CV21 2RR

Consent of individual to being specified as premises supervisor

I
[full name of prospective premises supervisor]

of

.....
[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

.....
[type of application]

by

.....
[name of applicant]

relating to a premises licence
[number of existing licence, if any]

for

.....
[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

.....
[name of applicant]

concerning the supply of alcohol at

.....
[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

.....
[insert personal licence number, if any]

Personal licence issuing authority

.....
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

.....
Name (please print)

.....
Date

Ms K Lekaj
18 Morris Close
Rugby
CV21 1AX

Please ask for Penny Clarke
Direct Line (01788) 533884
Fax (01788) 533866
E-mail penny.clarke@rugby.gov.uk
DX DX 11681 Rugby

Date 4 November 2015

Dear Katherine,

**Licensing Act 2003 – K2 Mini Market, 41 Church Street, Rugby, Warwickshire,
CV21 3PT**

Thank you for your application for a new premises licence at the above location. This was received on 29th October 2015.

I have check through your application today and have found that there are two pieces of information missing from the application, these being:

1. The plan of the premise
2. Completed consent form from the proposed designated premises supervisor.

Unfortunately at this stage we cannot accept the application until the plan has been submitted, please can you send me a copy and I can then start your commencement of this application.

Please note that this will affect your consultation period/dates on your blue notice advertised at the premise and also the notice in the newspaper.

I will let you know when the consultation period starts, once I have the plan in.

Yours sincerely

**Penny Clarke
Licensing Officer**

Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority:
Weights and Measures

Your Name	Simon Coupe
Job Title	Team Manager
Postal and email address	Warwickshire County Council Trading Standards Service Old Budbrooke Road, Warwick, CV35 7DP
Contact telephone number	01926 414024

Name of the premises you are making a representation about	K2 Mini Market. Applicant: Ms Katherine Julie Lekaj
Address of the premises you are making a representation about	41 Church Street, Rugby, CV21 3PU

<i>Which of the four licensing Objectives does your representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder		
Public safety		
To prevent public nuisance		
To protect children from harm	Yes	Insufficient detail given in the application to describe the steps the business intends to take to prevent the sale of alcohol to children. It is our opinion that the licensing objectives will not be complied with if the applicant were to take only those measures currently detailed in the operating schedule. Suggested measures are listed below.

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	<ol style="list-style-type: none"> 1. A 'Challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card. 2. A 'challenge log' recording all challenges - where both sales and refusals result. 3. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made 4. Regular staff training to ensure that both the law and company policies / procedures are understood, up-to-date and applied consistently.
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Signed: Mr P S Coupe

Date: 4/12/15



Representation Form From Responsible Authorities Licensing Act 2003

Licensing Team, Town Hall, Evreux Way, Rugby CV21 2RR

Responsible Authority (please delete as applicable): Police

Your name	Samantha Watkins
Job Title	Police Sergeant 33
Postal and e-mail address	Rugby Police Station Newbold Road Rugby CV21 2DH
Contact telephone number	01788 853761

Name of the premises you are making a representation about	K2 Supermarket
Address of the premises you are making a representation about	41 Church Street Rugby, CV21 3PU

<i>Which of the four licensing objective does your Representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.</i>
To prevent crime and disorder	Yes	Please see separate sheet
Public safety	Yes	
To prevent public nuisance	Yes	Please see separate sheet
To protect children from harm	Yes	Please see separate sheet

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	Please see separate sheet
--	---------------------------

Signed Date

Please return this form along with any additional sheets to Licensing Team, Rugby Borough Council, Licensing Team, Town Hall, Evreux Way, Rugby CV21 2RR or by emailing to licensing@rugby.gov.uk. This form must be returned within the Statutory Period. For more details please check with the Licensing Team on (01788) 533884.



Representation for K2 Supermarket premises licence applicationRepresentations

Whilst the police understand that this is a brand new premises licence application and that normally the previous history would have no bearing on a new application, we feel that this is an exceptional case and concerns are already being raised about how the applicant will use the licence once granted and therefore feel it our duty to ensure that the conditions volunteered by the applicant under 'section M' of the application form, are appropriate, workable, and enforceable to ensuring that they will promote the four licensing objections. I have therefore enclosed a brief history of previous problems at the premises under the old licence and why we feel it necessary to make the suggestions for different licensing conditions which are listed below.

The previous premises licence for 'Josie's' at 41 Church Street, Rugby was initially issued on 1st February 2013.

During the time that this licence was in place there were a number of issues which concerned the police, until the licence was surrendered in September 2015, prior to a licensing review to apply for the licence to be revoked.

After the licence was surrendered, an application was submitted to Rugby Borough Council, for a licence to be granted to Katherine LEKAI.

In November 2013, a test purchase operation was carried out at the premises, resulting in an underage sale. At this time there was no age verification policy in place, and no 'challenge 25' posters displayed. There was no refusals register in place either. The seller of the alcohol was issued with a fixed penalty notice.

Pc 1822 Bailey and Penny Clarke the council licensing officer visited the premises to check on these things, and the use of CCTV. While checking the CCTV, the member of staff working in the shop was seen on CCTV to be drinking alcohol. Following this, the premise licence holder was put on an action plan to address these issues.

At the end of this investigation, the premise licence holder and DPS received a caution in relation to selling alcohol to a person aged under 18.

In January 2014, concerns were raised by the Rugby First Company with regards to alcohol being served to drunken people who were causing problems around anti-social behaviour in the churchyard opposite the premises, in contravention of the licensing objectives of public safety, the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm. A Public Space Protection Order is now in place to try and deal with issues caused by this sort of alcohol sales.

As a result of this, the premises were visited again by Pc Maughan and PS Watkins. The attitude and behaviour of the member of staff at the time fell well below that expected from someone working within the licensing trade.

In August 2015, Pc Bailey and I attended the premises again with Trading Standards, resulting in the seizure of illegal items which were being sold on the premises. There were a

number of breaches of the licence resulting from this visit too, such as, the staff member being unable to contact the premise licence holder/DPS, the premises licence not being on display, and the refusals/incident book not being in operation.

Throughout the time that the licence was in operation for this premise, we have tried to work with the licence holder, and DPS, to bring the premises to the standard expected in order to achieve the licensing objectives.

It is believed that the applicant had no dealing with the previous licence holder or DPS, although we understand from the applicant that she is good friends with some of the previous staff and will retain them in the premises as stated above there have been problems with the previous staff not complying to the conditions on the licence. The police are concerned that the work already done at these premises will have been in vain if conditions for the premise licence are not tightened up, due to these staff members from earlier this year being retained to continue to work there, and the applicant not having a current personal licence, and is looking to have a DPS who is not working at the premises, to ensure that the licensing objectives are adhered to.

It is the view of the police that the following conditions should be placed on the licence replacing the conditions within 'section M of the application form', in order to address the above concerns:

Under the Prevention of Crime and Disorder

1. **Proposed CCTV installations for licensed premises must be discussed with a Warwickshire Police Crime Reduction or Architectural Liaison Officer (Full working plan) prior to installation to ensure the system complies with this.**

'CCTV to comply with BS 7958. The system should be recording at all times that the premises are open for licensable activity. The CCTV should be stored for 31 days, and there should be someone available at all times when the premises are open, who can operate the system and able to download footage instantly, so that it is available to the police or other responsible authority on request.'

A suitably qualified company should be engaged to design and install the system to ensure compliance.

2. The DPS will give written consent of all authorised persons to sell on their behalf. A copy of this written consent should be kept in the premises and made available to authorised persons from Responsible Authorities.

Under Public Safety

3. CCTV cameras are to be positioned in the premises to ensure that customers arriving are monitored along with the till areas in front and behind the tills.

Under the Protection of Children from Harm

4. A person who appears to be under the age of 25, and who is attempting to purchase alcohol must be required to produce proof of age before such a sale is made. This proof of age should be photographic ID, such as driving licence, passport, 'Prove It' card.

5. 'Challenge 25' posters and posters regarding proxy sales will be on display in full view of the public.
6. Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of all age restricted goods, including the awareness/prevention of proxy sales. The training should also cover changes in relevant legislation, and the use and storage of CCTV.
7. Alcohol displayed for sale will not be obstructed from the view of the sales assistants, and non alcoholic/soft drinks, crisps and confectionery will be situated away from the alcohol display area.

Under the Prevention of Public Nuisance

8. Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of alcohol to any person believed to be drunk. With written Instructions available to staff on duty on what to do if in this situation.
9. Such training sessions in condition 6 & 8 are to be documented and records to be kept in the premises and made available to authorised persons from Responsible Authorities.
10. A refusals book will be compiled and maintained containing records of instances/persons who have been refused the sale of age restricted items on the basis of either their perceived age, or that it is perceived to be a proxy sale, including dates, times, description of instances/person and the shop assistance who dealt recorded it. This must be entered at the time or immediately after the refusal and all records should be made available to authorised persons from Responsible Authorities.

*Anne+L***Penny Clarke**

From: kath lekaj
Sent: 14 December 2015 14:37
To: Penny Clarke
Subject: RE: representations from the police

Hi Penny

Thanks for your Email sorry you didn't get my email last week with regards to the The trading standards.

I accept the Conditions from trading standards and all ready have put those conditions in place.

I also accept the conditions from Warwickshire Police and would like these added to my licence.

Yours Faithfully

kath Lekaj.

From: Penny Clarke@rugby.gov.uk
To: _____
CC: Les.Jackson@rugby.gov.uk
Subject: representations from the police
Date: Mon, 14 Dec 2015 09:51:04 +0000

Hi Kath

As discussed last week, the police were going to put in representations.
Attached are the 2 documents from them.

One of them lists conditions that they are requesting to be added to your licence if you agree.

Can you please let me know if you accept these or not, if you are happy to accept them, they will be entered onto your licence and you must comply to them all, when using the authorisation on the licence ie selling alcohol.

If you do not wish to accept the condition, that is fine just let me know which you wish to do and I'll arrange for the application to be heard by committee and let you know the date as soon as I get it.

Also can you confirm by email that you are happy to accept the conditions requested by trading standards. I am aware that you have verbally accepted them to me, but I need either a letter or email to confirm this.

Kind regards
Penny

Penny Clarke
Licensing Officer

Rugby Borough Council

Tel: 01788 533662

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Thank you for your co-operation.

Rugby Borough Council

Annex 5

Ms K Lekaj
18 Morris Close
Rugby
Warwickshire
CV21 1AX

Please ask for Penny Clarke
Direct Line (01788) 533884
Fax (01788) 533866
E-mail penny.clarke@rugby.gov.uk
DX DX 11681 Rugby

Date 21 December 2015

Dear Sir/Madam,

Licensing Act 2003 – K2 Mini Market, 41 Church Street, Rugby, CV21 3PT

I am pleased to inform you that your application for a premise licence has been accepted. I have enclosed a copy of your licence that has been granted.

As the new premise licence holder it has become your responsibility to pay the annual fee of £180.00, which your next is due on 16th December 2016 for this licence.

Failure to pay the fee by the 16th December each year will result in the licence being suspended, an invoice will be sent when these fees are due.

For information Part B the summary licence, must be displayed in the premises, with the full licence or a certified copy to be held within the premise and available for inspection.

Please check the licence for any clerical errors and return to this office for any amendments if necessary.

Yours sincerely

Penny Clarke
Licensing Officer
Encs.

Part A

Premises Licence

Rugby Borough Council, Town Hall, Evreux Way, Rugby, Warwickshire, CV21 2RR

Premises Licence number

RY/CV21/0731 - PS

Part 1 – Premises details

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

K2 Mini Market, 41 Church StreetPost town: **Rugby**Postcode: **CV21 3PU**Telephone number: **07527 322859**

Where the licence is time limited the dates:

Not Applicable.

Licensable activities authorised by the licence

Sale of Alcohol by retail

The times the licence authorises the carrying out of licensable activities

Monday – Saturday 08:00 hrs to 22:30 hrs**Sunday 10:00hrs to 22:00hrs**

The opening hours of the premises

Monday – Saturday 08:00 hrs to 22:30 hrs**Sunday 10:00hrs to 22:00hrs**

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

Off Sales only

Part 2

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

Katherine Lekaj, 18 Morris Close, Rugby, CV21 1AX

Telephone: 07527 322859

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

N/A

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

Katherine Lekaj, 18 Morris Close, Rugby, CV21 1AX

Telephone: 07527 322859

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

RY/CV21/1045-PL

Rugby Borough Council

Annex 1 – 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. Sale of alcohol below permitted price

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—

where—

P is the permitted price,

D is the rate 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

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,

(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) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

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. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

(2) 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.

Annex 2 – Conditions consistent with the Operating Schedule

The Licence holder shall conduct the premises in accordance with the Operating Schedule attached to the application (as amended by the licensing authority after a hearing or agreed by the applicant following the submission of representations if appropriate), and in particular section P thereof, a copy of which is appended hereto.

Where any equipment or installation is required by the Operating Schedule it shall be maintained in such condition and be used so as to promote the licensing objective(s).

Prevention of Crime and Disorder

1. CCTV to comply with BS 7958. The system should be recording at all times that the premises are open for licensable activity. The CCTV should be stored for 31 days, and there should be someone available at all times when the premises are open, who can operate the system and able to

download footage instantly, so that it is available to the police or other responsible authority on request.'

2. The DPS will give written consent to all authorised persons to sell on their behalf. A copy of this written consent should be kept in the premises and made available to authorised persons from Responsible Authorities.

Under Public Safety

3. CCTV cameras are to be positioned in the premises to ensure that customers arriving are monitored along with the till areas in front and behind the tills.

4. Outside lighting

5. Fire Alarms

Under the Prevention of Public Nuisance

6. Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of alcohol to any person believed to be drunk. With written Instructions available to staff on duty on what to do if in this situation.

7. A refusals book will be compiled and maintained containing records of instances/persons who have been refused the sale of age restricted items on the basis of either their perceived age, or that it is perceived to be a proxy sale, including dates, times, description of instances/person and the shop assistance who dealt recorded it. This must be entered at the time or immediately after the refusal and all records should be made available to authorised persons from Responsible Authorities.

8. Ensure noise levels are kept to a minimum.

Under the Protection of Children from Harm

9. Anyone who appears to be under the age of 25, and who is attempting to purchase alcohol must be required to produce proof of age before such a sale is made. This proof of age should be photographic ID, such as driving licence, passport, 'Prove It' card.

10. 'Challenge 25' posters and posters regarding proxy sales will be on display in full view of the public.

11. Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of all age restricted goods, including the awareness/prevention of proxy sales. The training should also cover changes in relevant legislation, and the use and storage of CCTV.

12. Alcohol displayed for sale will not be obstructed from the view of the sales assistants, and non alcoholic/soft drinks, crisps and confectionery will be situated away from the alcohol display area.

13. Such training sessions in condition 6 & 11 are to be documented and records to be kept in the premises and made available to authorised persons from Responsible Authorities.

14. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made

Annex 3 – Conditions attached after a hearing by the licensing authority

Not Applicable

Annex 4 – Plans

See Attached

Issued on 16th December 2015 – 1st Grant

Issued by Rugby Borough Council, Town Hall, Evreux Way, Rugby, Warwickshire, CV21 2RR

Telephone (01788) 533884

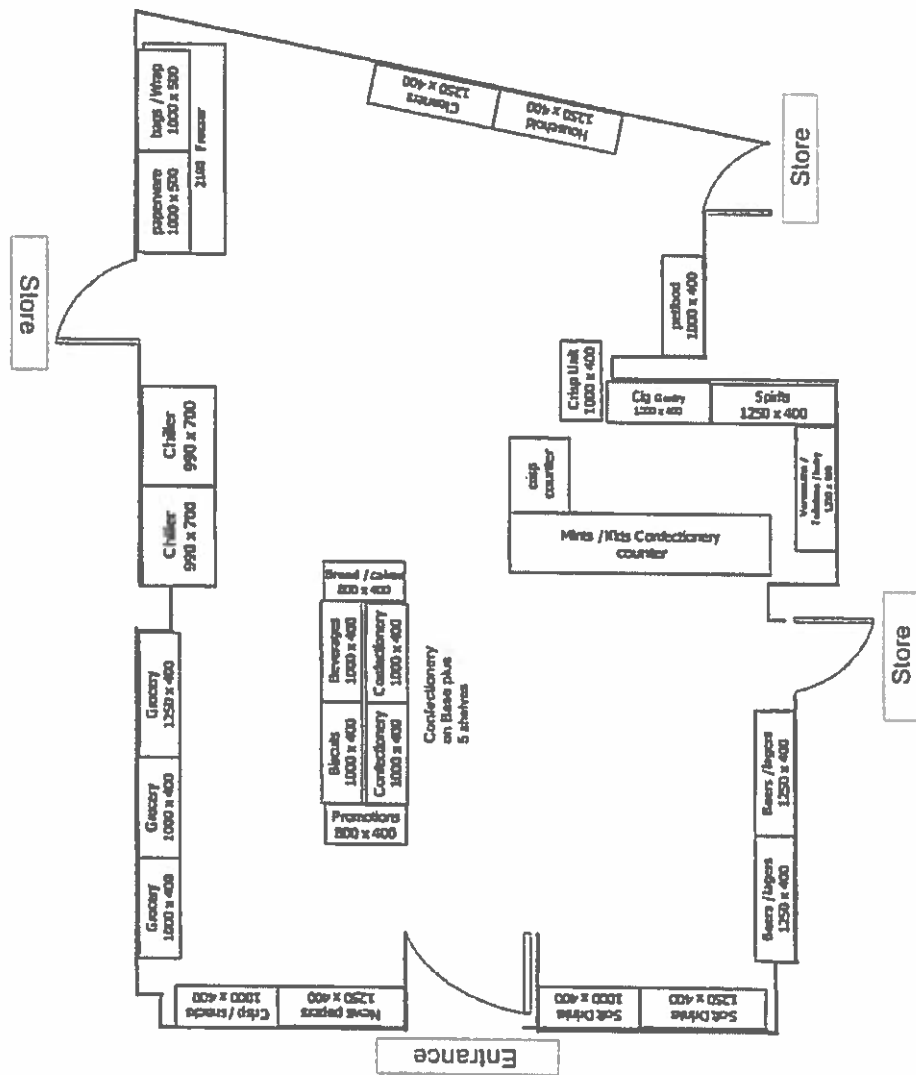
Fax: (01788) 533409

DX DX 11681 (HEH) Rugby

E-mail: Licensing@rugby.gov.uk

Web Site: www.rugby.gov.uk

K2 Mini Market
 41, CHURCH ST,
 RUGBY
 CV21 3PU.



Part B

Premises Licence Summary

Licensing Team, Rugby Borough Council, Town Hall, Evreux Way, Rugby, Warwickshire, CV21 2RR

Premises Licence number

RY/CV21/0731 - S

Premises details

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

K2 Mini Market, 41 Church StreetPost town: **Rugby**Postcode: **CV21 3PU**Telephone number: **07527 322859**

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Sale of Alcohol by retail.

The times the licence authorises the carrying out of licensable activities

**Monday – Saturday 08:00 hrs to 22:30 hrs
Sunday 10:00hrs to 22:00hrs**

The opening hours of the premises

**Monday – Saturday 08:00 hrs to 22:30 hrs
Sunday 10:00hrs to 22:00hrs**

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

For consumption off the premises

Name, (registered) address of holder of premises licence

Katherine Lekaj, 18 Morris Close, Rugby, CV21 1AX**Telephone: 07527 322859**

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

N/A

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

Katherine Leka

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

Restricted

Issued on 16th December 2015 – 1st Grant of premise licence

Issued by Rugby Borough Council, Town Hall, Evreux Way, Rugby, Warwickshire, CV21 2RR

Telephone (01788) 533409

Fax: (01788) 533866

DX DX 11681 Rugby

E-mail: Rugby.B.C@Rugby.Gov.Uk

Web Site: www.rugby.gov.uk

Annex B

M Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 9)

C.C.T.V, REFUSEL'S REGISTRAR, INFORM POLICE, INFORM OF CHANGE ADDRESS

b) The prevention of crime and disorder

C.C.T.V. AND LOCAL CRIME PREVENTION INITIATIVES, NOTICES,

c) Public safety

OUTSIDE LIGHTING, FIRE ALARMS, TRAINED STAFF

d) The prevention of public nuisance

REFUSAL TO SERVE TO A DRUNK, ENSURE NOISE LEVELS ARE KEPT TO A MINIMUM.

e) The protection of children from harm

PASS IDENTIFICATION, TRAINING OF STAFF WITH RELATION AS TO UNDER AGE SALE prevention and acceptable forms of identification

K

Please highlight any 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 (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	8.00	22.30	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p>
Tue	8.00	22.30	
Wed	8.00	22.30	
Thur	8.00	22.30	
Fri	8.00	22.30	
Sat	8.00	22.30	
Sun	10.00	22.00	

Annex 7

Ms K Lekja
18 Morris Close
Rugby
CV21 1AX

Please ask for Penny Clarke
Direct Line (01788) 533884
Fax (01788) 533866
E-mail Address penny.clarke@rugby.gov.uk
DX DX 11681 Rugby

Date 5th February 2016

Dear Ms Lekja,

**Licensing Act 2003 – K2 Minii Market – RY/CV21/0731-PS
41 Church Road, Rugby, CV21 3PU**

I am writing in relation to licensing visit/inspection that took place at the above premises today, Friday 5th February. The visit was with the police and the council, present was Sgt Watkins, PC Bailey and I.

We did try to contact you but you were unable to attend. We have continued the visit and inspection of the premises licence with your shop assistance Mr Assan.

The following breaches of your licence were found:

Prevention of Crime and Disorder

1. CCTV to comply with BS 7958. The system should be recording at all times that the premises are open for licensable activity. The CCTV should be stored for 31 days, and there should be someone available at all times when the premises are open, who can operate the system and able to download footage instantly, so that it is available to the police or other responsible authority on request.' - **We were not able to establish if the CCTV was recording today or if it records for 31 days, as Mr Assan who was the only member of staff working, was not able to work the CCTV. No downloads were obtained due to the same reason.**
2. The DPS will give written consent to all authorised persons to sell on their behalf. A copy of this written consent should be kept in the premises and made available to authorised persons from Responsible Authorities - **Mr Assan was not aware of where this would be kept, and could not find it. We did not see any proof of written authorisation given from the DPS for Mr Assan to serve alcohol.**

Under Public Safety

3. CCTV cameras are to be positioned in the premises to ensure that customers arriving are monitored along with the till areas in front and behind the tills. - **The camera on the front door, does not show a good clear picture of head and face recognition. There was no camera covering behind the tills area.**
4. Outside lighting - not checked

5. **Fire Alarms – not checked**

Under the Prevention of Public Nuisance

6. Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of alcohol to any person believed to be drunk. With written Instructions available to staff on duty on what to do if in this situation. – Mr Assan could not find any written instructions to follow.

7. A refusals book will be compiled and maintained containing records of instances/persons who have been refused the sale of age restricted items on the basis of either their perceived age, or that it is perceived to be a proxy sale, including dates, times, description of instances/person and the shop assistance who dealt recorded it. This must be entered at the time or immediately after the refusal and all records should be made available to authorised persons from Responsible Authorities. – This was made available last entry was 30/1/16.

8. Ensure noise levels are kept to a minimum. – there was no noise problems.

Under the Protection of Children from Harm

9. Anyone who appears to be under the age of 25, and who is attempting to purchase alcohol must be required to produce proof of age before such a sale is made. This proof of age should be photographic ID, such as driving licence, passport, 'Prove It' card. – Mr Assan was not aware of any other ID other than a driving licence to check.

10. 'Challenge 25' posters and posters regarding proxy sales will be on display in full view of the public. – these were on display

11. Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of all age restricted goods, including the awareness/prevention of proxy sales. The training should also cover changes in relevant legislation, and the use and storage of CCTV. – Mr Assan was not aware of anything about the CCTV, and could not explain what he would do about a proxy sale.

12. Alcohol displayed for sale will not be obstructed from the view of the sales assistants, and non alcoholic/soft drinks, crisps and confectionery will be situated away from the alcohol display area. – You can see the alcohol from the sales desk, unfortunately there shelf next to the Wine, cider and single tins of beer, there was coke cola and other soft drinks on display.

13. Such training sessions in condition 6 & 11 are to be documented and records to be kept in the premises and made available to authorised persons from Responsible Authorities. – There was no evidence of either training taking place, no records found or available.

14. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made – there was a notice above the till about the sale of alcohol. I am unsure if Mr Assan would be able to read the English on the notice, as he was unable to communicate very well in English to us.

Other problems found at your premises.

- Your premises have a retail radio. This was found to be switched off and Mr Assan was not aware on how to use it.

Today we have recorded 7 breaches of your licence. These need to be corrected immediately. I have arranged to visit you at the premises on Monday 22nd February at 1000hrs, where I hope that the above have all been corrected and you are complying with your licence.

I must advise that a breach of your licence is an offence under section 136(1) of the Licensing Act 2003. If prosecuted this has an unlimited fine and or 6 months imprisonment.

Yours sincerely

Penny Clarke
Licensing Officer

Annex 2

Ms K Lekja
18 Morris Close
Rugby
CV21 1AX

Please ask for Penny Clarke
Direct Line (01788) 533884
Fax (01788) 533866
E-mail Address penny.clarke@rugby.gov.uk
DX DX 11681 Rugby

Date 4th March 2016

Dear Ms Lekja,

**Licensing Act 2003 – K2 Mini Market – RY/CV21/0731-PS
41 Church Road, Rugby, CV21 3PU**

I am writing in relation to a second licensing visit/inspection that took place at the above premises on, Monday 22nd February. The visit was with the police and the council, present was Sgt Watkins and I.

We are pleased to say that there had been improvements made since our first visit, unfortunately there was still a number of areas that you are still not complying with your licence.

Due to this it was agreed to put an action plan in place, I understand that you had a copy delivered to you on the 22nd. Below is a list of problems still occurring with your premise.

The following breaches of your licence were found:

Prevention of Crime and Disorder

1. The DPS will give written consent to all authorised persons to sell on their behalf. A copy of this written consent should be kept in the premises and made available to authorised persons from Responsible Authorities - **Whilst you had a letter giving written consent to your staff members, this was very confusing, as you were adding names to a dated letter ie you added your new members of staffs Mel Marshall to the signed consent from December but she only started working for you in February. This also still gave consent for staff member who had left your employment. You were asked to complete an up to date list of authorisation and to bring a copy to myself at the council by Monday 29th February.**

I have not yet received this document.

Under Public Safety

2. CCTV cameras are to be positioned in the premises to ensure that customers arriving are monitored along with the till areas in front and behind the tills. - **The camera on the front door does not show a good clear picture of head and face recognition. There was no camera covering behind the tills area. This camera was intermittent and not recording all the time, There is also a camera pointing to the floor instead of at the alcohol fridge and counter.**

Under the Prevention of Public Nuisance

3. Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of alcohol to any person believed to be drunk. With written Instructions available to staff on duty on what to do if in this situation. – There was still no written instructions to follow.
4. A refusals book will be compiled and maintained containing records of instances/persons that have been refused the sale of age restricted items on the basis of either their perceived age, or that it is perceived to be a proxy sale, including dates, times, description of instances/person and the shop assistance who dealt recorded it. This must be entered at the time or immediately after the refusal and all records should be made available to authorised persons from Responsible Authorities. – We asked to view the CCTV footage of one of the recorded refusals on the 15th February at 13.10hrs we could not see the incident that was recorded within the refusals log. We requested that you look for the incident and bring a copy of the CCTV to myself in the council.

I have now viewed the CCTV given and cannot identify any refusal on the footage. Could you please advise the exact time, and what occurred as I am struggling to see it.

5. Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of all age restricted goods, including the awareness/prevention of proxy sales. The training should also cover changes in relevant legislation, and the use and storage of CCTV. – Your member of Staff on duty with you had only been employed with you for 2 weeks, there had been training, which was still on going, no records were available, also no training had been completed with the storage and downloads of the CCTV system or about Proxy sales. These must be completed as a matter of urgency.
6. Alcohol displayed for sale will not be obstructed from the view of the sales assistants, and non-alcoholic/soft drinks, crisps and confectionery will be situated away from the alcohol display area. – You have moved one of the shelving units away from the alcohol counter, but you did still have the 'Offers' basket (containing crisps and confectionery items) directly in front of the alcohol fridge, you did move this during the visit.
7. Such training sessions in condition 6 & 11 are to be documented and records to be kept in the premises and made available to authorised persons from Responsible Authorities. – There was no evidence of either training sets of records found or available.

Other problems found at your premises.

- Out of date food was on sale, passed it's 'best before date' these were Wispa multi pack with date of 4th January 2016 & Galaxy Multi pack with 21th February 2016.
- Your opening times displayed on your door are longer than your permitted hours. You advised that you do not open this late and cannot get this off the door.

Today we have recorded 7 breaches of your licence. These need to be corrected immediately. You have now been placed on an action plan to help show you what needs to be corrected. The action plan is currently for 1 month with a review meeting on 21st March @ 10.00hrs at the premises. I understand that you have already corrected some of the problems, keep going and if you need any assistance then please call me on the above number. I have enclosed a copy of your action plan for information.

I must advise that a breach of your licence is an offence under section 136(1) of the Licensing Act 2003. If prosecuted this has an unlimited fine and or 6 months imprisonment.

Yours sincerely

Penny Clarke
Licensing Officer
Enc





Warwickshire



'Protecting Our Communities Together'

Multi Agency Licensing Action Plan

Premises Details

Date 22/2/16

Premises K2 Mini Market

Address 41 Church Street, Rugby, CV21 3PU

DPS Name Katherine LEKAS Present (Y/N)

Signed [Signature]

Other persons present representing premises

Name ~~Penny Clarke~~ Name Melanie Marshall

Position ~~Rugby Borough~~ Position staff

Signed _____ Signed x [Signature]

Persons Present (other agencies/authorities)

Name Samantha Walters Representing Rugby Police

Penny Clarke Rugby Borough Council

Reason and Evidence For Meeting

visit made on 5/2/16 council. A number licence were found appointment made Note.	by police and of breaches of the and so an with DPS to discuss
--	---

Summary Of Meeting / Discussions

Still a number of issues which
need addressing, licensing conditions
still being breached.

Action Plan Suggest By Authority

(Action plan to be SMART)

Conditions:-

1. CCTV- Camera 4 to be repositioned to front door only for facial recognition.
2. CCTV. Camera 1 needs to be fixed on alcohol fridges and secured tightly.
3. CCTV Camera 8 needs to be working at all times - a daily record to be kept for this camera.
4. A copy of download of 15/2/16 of refusal of sale recorded in book as 13:10 hrs 15/2/16.
5. Copy of DPS authorisation to be updated and supplied to RBC by 29/2/16
6. Training records - staff records need to be kept & written instructions made available to staff. a copy sent to RBC by 7/3/16. Training on Proxy Sales to be given.

Comments / Suggestions From Premises

ACTION PLAN CONTINUED:

7. Staff need to be trained on use and downloading of CCTV.
 8. Sign indicating correct opening hours needs to be covered or removed.
- To be ~~re~~ reviewed after 1 month, on 21/3/16. @ 10:00.

I agree that this a true and accurate record of the discussion that took place and I am aware that this action plan may be cited at future licensing hearings

Premise Representative

Signed K. LERAT Print Name K. LERAT

Lead Agency for Authority

Signed S. A. WATKINS Print Name S. A. WATKINS

P. Clarke

Penny Clarke

1

2

Ms K Lekja
18 Morris Close
Rugby
CV21 1AX

Please ask for Penny Clarke
Direct Line (01788) 533884
Fax (01788) 533866
E-mail Address penny.clarke@rugby.gov.uk
DX DX 11681 Rugby

Date 17th March 2016

Dear Ms Lekja,

**Licensing Act 2003 – K2 Mini Market – RY/CV21/0731-PS
41 Church Road, Rugby, CV21 3PU**

I am writing in relation the Action Plan that is currently in place for the above premises licence. The review of the Action Plan was due to take place on Monday 21st March at 1000hrs at the premise.

Due to your ill health, we have postponed the Action Plan review; it will now take place on Friday 22nd April at 1000hrs at the premises. (Not the 15th as discussed on the phone).

Please keep me updated with regards to the Action Plan and if you are well enough to complete it and attend the meeting.

I hope that you are feeling better soon.

Yours sincerely

**Penny Clarke
Licensing Officer**

Annex 10

Ms K Lekja
18 Morris Close
Rugby
CV21 1AX

Please ask for Penny Clarke
Direct Line (01788) 533884
Fax (01788) 533866
E-mail Address penny.clarke@rugby.gov.uk
DX DX 11681 Rugby

Date 22nd April 2016

Dear Ms Lekja,

**Licensing Act 2003 – K2 Mini Market – RY/CV21/0731-PS
41 Church Road, Rugby, CV21 3PU**

I am writing in relation the Action Plan and today's visit. I am sorry that you have been upset with our visit and this being due to your health problems.

Both Sgt Watkins and myself feel that after reviewing the Action Plan today, that we do need to sit down out of the shop environment and go through with you were the problems still are, as there seems to be many licence conditions and parts of the action plan that are not being complied with.

A meeting has been arranged at Rugby Police Station, Newbold Road, Rugby on Monday 9th May 2016 at 1000hrs. Please feel free to bring your sister or any other appropriate person you wish to attend with you.

I have also requested further CCTV footage from the premises for 2 x refusals at the following dates and times;

1. 12th April @ 1632hrs
2. 20th March @ 1205hrs

Please can you arrange for the footage to be brought into the council for my attention by the 6th May 2016.

I would be grateful if you or your sister on your behalf, keep me updated with regards to the Action Plan and if you are well enough to complete it and attend the meeting.

I hope that you are feeling better soon.

Yours sincerely

**Penny Clarke
Licensing Officer**



Annex 11

The following are all your mandatory conditions and those agreed in your operating schedule with the police and trading standards, all which are contain and form your licence:

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.

- Katherine holds a current personal licence and is the current DPS for the premises.

I understand the above condition:

Name: Katherine Lekja

Signature: .....

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- Concerns are that a temporary member of staff is not authorised by Katherine to sell on her behalf. There is currently only one person authorised by her to sell as well as the DPS/PLH.

I understand the above condition:

Name: Katherine Lekja

Signature: .....

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.

- An verbal age verification policy is in place

I understand the above condition:

Name: Katherine Lekja

Signature: .....

(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.

- This is believed that staff are carrying this out

I understand the above condition:

Name: Katherine Lekja

Signature: .....

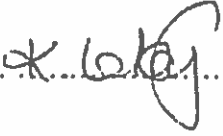
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

- It is believed that this is happening at the premise.

I understand the above condition:

Name: Katherine Lekja

Signature: .....

4. Sale of alcohol below permitted price

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.

- It is believed that this is happening at the premise

I understand the above condition:

Name: Katherine Lekja

Signature: .....

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—

where—

P is the permitted price,
D is the rate 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

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,
- (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) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).

- It is believed that this is happening at the premise

I understand the above condition:

Name: Katherine Lekja

Signature: .....

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.

- It is believed that this is happening at the premise

I understand the above condition:

Name: Katherine Lekja

Signature:.....

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

(2) 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.

- It is believed that this is happening at the premise

I understand the above condition:

Name: Katherine Lekja

Signature:.....

Condition consistent with the Operating Schedule which were agreed with the police and trading standards

Prevention of Crime and Disorder

1. CCTV to comply with BS 7958. The system should be recording at all times that the premises are open for licensable activity. The CCTV should be stored for 31 days, and there should be someone available at all times when the premises are open, who can operate the system and able to download footage instantly, so that it is available to the police or other responsible authority on request.

- CCTV was present in the shop, we were unable to tell if it was recording for 31 days as we could not look back at the previous day's footage. We were advised that it should have been recording but that they would have to call technician out. Due to this problem we were unable to view the CCTV or for it to be downloaded.

I understand the above condition:

Name: Katherine Lekja

Signature: .....

2. The DPS will give written consent to all authorised persons to sell on their behalf. A copy of this written consent should be kept in the premises and made available to authorised persons from Responsible Authorities.

- Whilst you had giving written consent to yourself, on a separate form which was incomplete you had given a member of staff authorisation. Unfortunately you have not authorised a relief member of staff who comes and helps out. You also have a new member of staff started that day of our visit 22nd April, who will need to also be authorised.

I understand the above condition:

Name: Katherine Lekja

Signature: .....

Under Public Safety

3. CCTV cameras are to be positioned in the premises to ensure that customers arriving are monitored along with the till areas in front and behind the tills.

- The camera on the front door does not show a good clear picture of head and face recognition. It does show a full body dark silloet of a person. Sgt Watkins stood in the door way, and you could not identify her on the camera.

- There was no camera covering behind the tills area.

I understand the above condition:

Name: Katherine Lekja

Signature: .....

- 4. Outside lighting
- This was working

I understand the above condition:
Name: Katherine Lekja Signature: *K. Lekja*.....

- 5. Fire Alarms
- These were not tested

I understand the above condition:
Name: Katherine Lekja Signature: *K. Lekja*.....

Under the Prevention of Public Nuisance

- 6. Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of alcohol to any person believed to be drunk. With written instructions available to staff on duty on what to do if in this situation.
- There are no written instructions to follow and cannot see any evidence of training being given.

I understand the above condition:
Name: Katherine Lekja Signature: *K. Lekja*.....

- 7. A refusals book will be compiled and maintained containing records of instances/persons who have been refused the sale of age restricted items on the basis of either their perceived age, or that it is perceived to be a proxy sale, including dates, times, description of instances/person and the shop assistance who dealt recorded it. This must be entered at the time or immediately after the refusal and all records should be made available to authorised persons from Responsible Authorities.
- We asked to view the CCTV footage of one of the recorded refusals on the 15th February at 13.10hrs we could not see the incident that was recorded within the refusals log. We requested that you look for the incident and bring a copy of the CCTV to myself in the council. The CCTV footage provided did not reflect the incident recorded in the refusals log.

- We have requested further footage of 2 other refusals recorded these being 12th April @ 1632 & 20th March @ 1205hrs this is to be handed into the council by Friday 6th May.

I understand the above condition:
Name: Katherine Lekja Signature: *K. Lekja*.....

→ over 31 days of CCTV storage
Stewart
33

8. Ensure noise levels are kept to a minimum.
- The fridge with the alcohol in next to the sale desk was very noisy.

I understand the above condition:

Name: Katherine Lekja

Signature: .....

Under the Protection of Children from Harm

9. Anyone who appears to be under the age of 25, and who is attempting to purchase alcohol must be required to produce proof of age before such a sale is made. This proof of age should be photographic ID, such as driving licence, passport, 'Prove It' card.
- Did not witness any person being challenged whilst in the premises

I understand the above condition:

Name: Katherine Lekja

Signature: .....

10. 'Challenge 25' posters and posters regarding proxy sales will be on display in full view of the public.
- Posters are on public view

I understand the above condition:

Name: Katherine Lekja

Signature: .....

11. Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of all age restricted goods, including the awareness/prevention of proxy sales. The training should also cover changes in relevant legislation, and the use and storage of CCTV.
- There was a signature from one of your employees stating that they had completed training on Cashing up/Selling Alcohol/CCTV/Stock, this was dated February prior to our last visit, yet these records were not in place at our last visit.

I understand the above condition:

Name: Katherine Lekja

Signature: .....

12. Alcohol displayed for sale will not be obstructed from the view of the sales assistants, and non alcoholic/soft drinks, crisps and confectionery will be situated away from the alcohol display area.
- You have moved one of the shelving units away from the alcohol counter this is still approximately only 1m away containing offers soft drinks for sale. It is felt that this is too close still and the soft drinks should be located with the other soft drink on the other side of the premise.

I understand the above condition:

Name: Katherine Lekja

Signature: .....

13. Such training sessions in condition 6 & 11 are to be documented and records to be kept in the premises and made available to authorised persons from Responsible Authorities.
- We could not see any evidence of what training had been given in respect of both condition 6 & 11. There were no records kept.

I understand the above condition:

Name: Katherine Lekja

Signature: .....

14. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made
- There is a note by the till with the above on it for staff.

I understand the above condition:

Name: Katherine Lekja

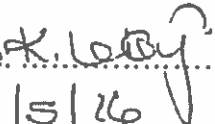
Signature: .....

K2 Mini Market
41 Church Road
Rugby
CV21 3PU

I understand and confirm that all 14 of my conditions of my premise licence have been read out to me including the problems that with each of them if any.


It has been explained to me what needs to be put right with each condition. All work will be completed by 1st June 2016 and all conditions will be complied with by this date.

Name: Katherine Lekja
Position: PLH & DPS of
K2 Mini Market


Signature: 
Date: 9/5/16

Also present was:


Name: Mrs Penny Clarke
Position: Licensing officer RBC

Signature: 
Date: 9/5/16.

Name: Samantha WATKINS
Position: Rugby Police.

Signature: 
Date: 9/5/16.

Name: Julia GALLIGAN
Position: Sales assistant.

Signature: 
Date: 9/5/16.

Name:
Position:

Signature:
Date:

Ms K Lekja
18 Morris Close
Rugby
CV21 1AX

Please ask for Penny Clarke
Direct Line (01788) 533884
Fax (01788) 533866
E-mail Address penny.clarke@rugby.gov.uk
DX DX 11681 Rugby

Date 9th May 2016

Dear Ms Lekja,

**Licensing Act 2003 – K2 Mini Market – RY/CV21/0731-PS
41 Church Street, Rugby. CV21 3PU**

I am writing in relation to a third licensing visit/inspection that took place at the above premises on Friday 22nd April 2016 to review the Action Plan that is in place in respect of the premises. The visit was made by Sgt Watkins from Warwickshire Police, and myself on behalf of the Council.

During the visit on 22nd April 2016 we again found that there were several points of the Action Plan still not being met, and a number of the conditions on your premises licence were still not being complied with.

We are aware that you have been unwell during the period of the Action Plan and in view of this we had already extended the period of the Plan for a further 4 weeks up to 22nd April. We understand that your health is improving but that you are still struggling somewhat, and that you had only returned to work on Monday 18th April.

Whilst we appreciate that your ill health has played a significant part in your not being able to fully comply with the Action Plan, the conditions of your licence have been in place since your licence was granted on 16th December 2015 and many of these were still not being complied with at the time of the visit.

The conditions attached to a premises licence are a fundamental part of the authorisation and, as previously discussed with you, non-compliance with the conditions of a licence is an offence under section 136(1) of the Licensing Act 2003.

We are approaching the 6 month anniversary of the grant of your licence and the current situation cannot continue indefinitely.

All the issues outstanding at the premises at the last visit are identified on the attached Schedule and I have to inform you that these **MUST be rectified by Wednesday 1st June 2016.**

A further unannounced visit will be made after this date and if all of the identified issues have not been addressed satisfactorily then either or both of the following actions will be instigated:

1. Review of the premises licence;
2. A prosecution under section 136(1) of the Licensing Act 2003

Should you have any questions about this letter or any of the issues identified then please do not hesitate to contact me.

Yours sincerely

Penny Clarke
Licensing Officer
Enc

Anna L3

Ms K Lekaj
18 Morris Close
Rugby
CV21 1AX

Please ask for Penny Clarke
Direct Line (01788) 533884
Fax (01788) 533866
E-mail Address penny.clarke@rugby.gov.uk
DX DX 11681 Rugby

Date 15th June 2016

Dear Ms Lekaj,

**Licensing Act 2003 – K2 Mini Market – RY/CV21/0731-PS
41 Church Road, Rugby, CV21 3PU**

I am writing to request some CCTV footage; this is for the period of 1730hrs to 1830hrs on Monday 23rd May 2016. I did attend the premises on Wednesday 8th June but unfortunately the member of staff on duty at the time was unable to view or download the footage. The reason for the request of CCTV footage is that there has been an incident reported to us that occurred in the premises during this time period.

I am aware that we are approaching the 31 days cut off (date being 22nd June), for your recordings to be kept, therefore I ask if you can address this matter as soon as possible.

Please can you bring this into the Town Hall for my attention. I understand that you usually download onto a memory stick; once this footage has been viewed I will return the memory stick to you.

Should there be any problems with this request, please contact me as a matter of urgency either by phone or email.

I look forward to hearing from you in the soon.

Yours sincerely

**Penny Clarke
Licensing Officer**

DESIGNATED PREMISES SUPERVISOR (DPS) LETTER OF AUTHORISATION

To whom it may concern:

I KATHERINE LEKAT being the Designated Premises Supervisor (DPS), and the holder of a Personal Licence am the person in a position of authority on the premises known as:

Premises Licence Number: RY/CV 21/581-S
Personal Licence Number: RY/CV 21/1045/PL

Hereby authorise the following named personnel to sell and supply alcohol, to comply with the licensing law and the licence conditions attached to the licence. This being either when I am present on the premises or in my absence when I am away from the premises. I can always be contactable on the following telephone number:

0752732859

NAMES OF AUTHORISED PERSONS:

I, being a person named below am aware of and accept my responsibilities under the Licensing Act 2003 and will endeavour to comply in accordance with the licensing law and the licence conditions attached to the licence.

Name	Personal Licence Number (If Applicable)	Non Personal Licence Holder (Please Tick)
<u>KATHERINE LEKAT</u>	<u>1045</u>	

DESIGNATED PREMISES SUPERVISOR

Name: Katherine Lekat

Signature: 23-2-2016, K. Lekat

Date:

RUGBY BOROUGH

1 APR 2016

REGISTRATION

DESIGNATED PREMISES SUPERVISOR (DPS) LETTER OF AUTHORISATION

To whom it may concern:

I KATHERINE LEKAT being the Designated Premises Supervisor (DPS), and the holder of a Personal Licence am the person in a position of authority on the premises known as:

Premises Licence Number: RY/CV 21 / 07B1-S
 Personal Licence Number: RY/CV 21 / 1045/PL.

Hereby authorise the following named personnel to sell and supply alcohol, to comply with the licensing law and the licence conditions attached to the licence. This being either when I am present on the premises or in my absence when I am away from the premises. I can always be contactable on the following telephone number:

..... 07 527 322 359

NAMES OF AUTHORISED PERSONS:

I, being a person named below am aware of and accept my responsibilities under the Licensing Act 2003 and will endeavour to comply in accordance with the licensing law and the licence conditions attached to the licence.

Name	Personal Licence Number (If Applicable)	Non Personal Licence Holder (Please Tick)
<u>KATHERINE LEKAT</u>	<u>1045</u>	

DESIGNATED PREMISES SUPERVISOR

Name: Katherine Lekat

Signature: 23-2-2016, K. Lekat

Date: _____

RUGBY SUPERVISION
CONDIC

1 APR 2016

RECEPTION

Annex 15

**DESIGNATED PREMISES SUPERVISOR (DPS)
LETTER OF AUTHORISATION**

To whom it may concern:

I KATHLENE LEKAT being the Designated Premises Supervisor (DPS), and the holder of a Personal Licence am the person in a position of authority on the premises known as:

Premises Licence Number: RY/CV21/0731-S
Personal Licence Number: RY/CV21/1045/PL.

Hereby authorise the following named personnel to sell and supply alcohol, to comply with the licensing law and the licence conditions attached to the licence. This being either when I am present on the premises or in my absence when I am away from the premises. I can always be contactable on the following telephone number:

07527322859

NAMES OF AUTHORISED PERSONS:

I, being a person named below am aware of and accept my responsibilities under the Licensing Act 2003 and will endeavour to comply in accordance with the licensing law and the licence conditions attached to the licence.

Name	Personal Licence Number (If Applicable)	Non Personal Licence Holder (Please Tick)
<u>KATHLENE LEKAT</u>	<u>1045</u>	
<u>JASIM HAIDER</u>	<u>1032</u>	
<u>JULIA GALLIGAN</u>		✓
<u>MUSSEIN OSMAN</u>		✓
<u>Mohamed Karim</u>		✓

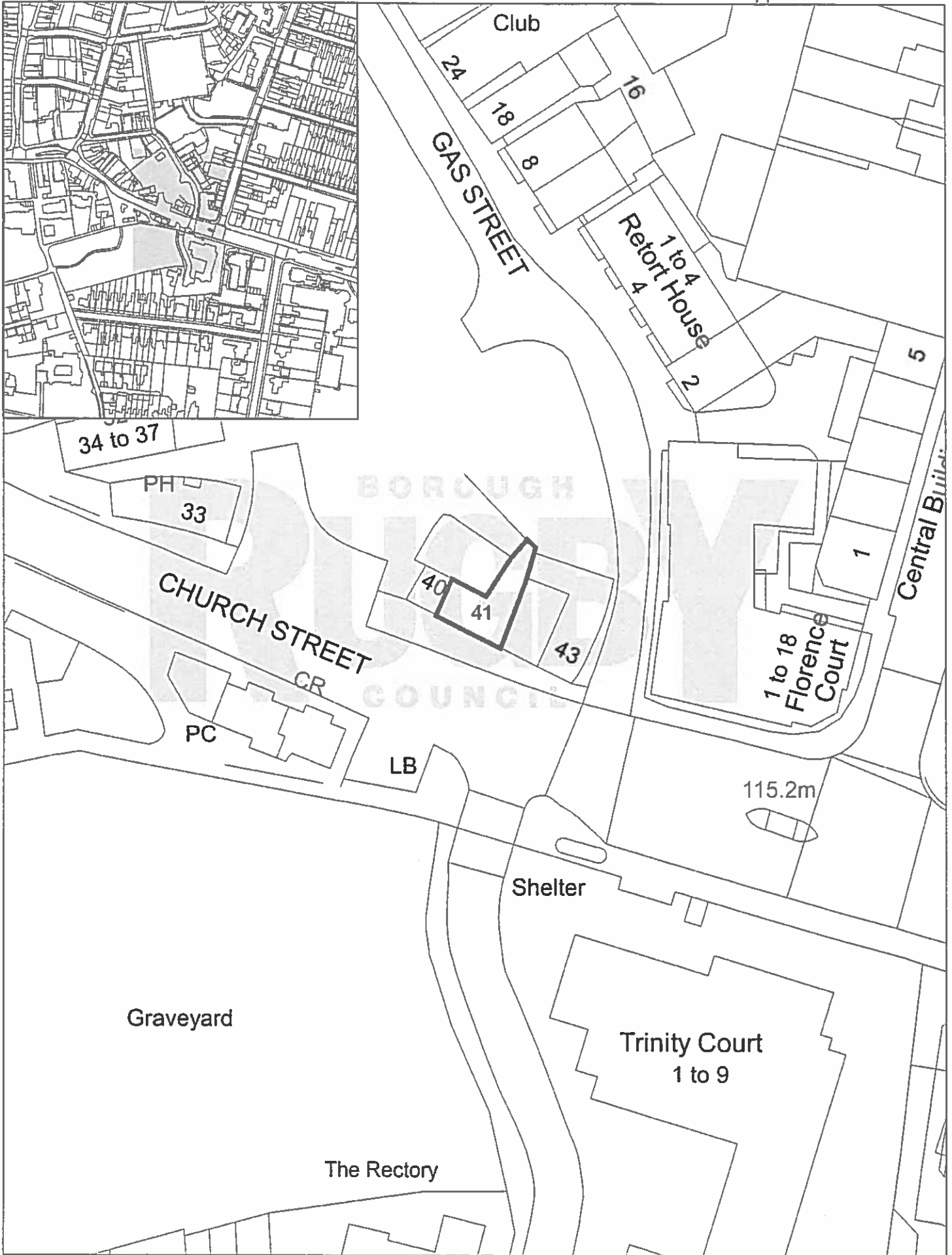
ORIGINAL
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writing.
Alberte

DESIGNATED PREMISES SUPERVISOR

Name: Kathlene Lekat

Signature: 29/4/16 K. Lekat

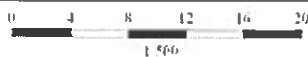
Date:



41 Church Street, Rugby, CV21 3PU

Date
29 07 2016

Scale
1:500
cubon print@aa



Licensing

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Ordnance Survey 100019417



REPRESENTATION FROM RESPONSIBLE AUTHORITIES

Responsible Authority:
Weights and Measures

Your Name	Simon Coupe
Job Title	Team Manager
Postal and email address	Warwickshire County Council Trading Standards Service Old Budbrooke Road, Warwick, CV35 7DP
Contact telephone number	01926 414024

Name of the premises you are making a representation about	K2 Mini Market (formally Josies)
Address of the premises you are making a representation about	41 Church Street, Rugby, CV21 3PU

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	See attached sheet
Public safety		
To prevent public nuisance		
To protect children from harm	Yes	See attached sheet

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	The nature of the reported incidents does not allow for conditions to be added. The only remedy would be the revocation of the Premises Licence.
---	---

Signed:



Date:

1/7/16

Preventing Crime and Disorder, Protecting Children from Harm

There is clearly an ongoing problem with the premises and the sale of illicit tobacco, this has spanned the time of two separate Premises Licences.

During this period Mr Osman has been in charge of the premises when Trading Standards have visited and found illicit tobacco. The tobacco is concealed around the shop in contrast to the legitimate tobacco products they have displayed in their gantry behind the counter.

The new DPS and Premises Licence Holder Ms Katherine Lekaj appears to have little influence on how the premises is being run.

Mr Karim Mohamed one of the other 2 males present in the shop on 23rd May 2016 has also been linked to illicit tobacco and is currently under investigation by this service.

The second male Mr Haider has been seen in previous visits to other premises in Church Street where illicit tobacco has been found.

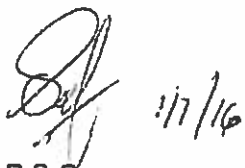
Under the Licensing Act 2003 the premises are required to take steps to promote the four licensing objectives. It is the opinion of this service that the licensing objectives to prevent crime and disorder and to protect children from harm are being seriously undermined by the incidents described.

Illicit tobacco is a crime which deprives the UK of £2 billion every year – money which could be used to fund essential public services; including tackling the damaging impacts of tobacco itself.

This illicit trade also damages legitimate business, undermines public health tobacco control strategies and facilitates the supply of tobacco to young people.

The price at which these tobacco products are being sold (as little as £3.50 a packet) makes them very affordable and this illegal trade encourages children and young people to smoke. A survey by Trading Standards North West showed that as it becomes harder for the under 18s to buy from legitimate traders, they are increasingly turning to illicit sources.

It is the view of this Service (as a Responsible Authority) that the business is not being run in a fit and proper manner and the nature of the reported incidents would allow the only remedy to be the revocation of the Premises Licence.



P S Coupe
Warwickshire County Council
Trading Standards Service

A

FAO Penny Clarke

Representation Form From Responsible Authorities Licensing Act 2003

Licensing Team, Town Hall, Evreux Way, Rugby CV21 2RR

Responsible Authority (please delete as applicable): Police / Fire / Environmental Protection / Health and Safety / Child Protection / Weights and Measures / Planning Authority/ Licensing Authority/ Health Authority.

Your name	Samantha Watkins
Job Title	Police Sergeant
Postal and e-mail address	Rugby Police Station Newbold Road Rugby CV21 2DH
Contact telephone number	01788 853761

Name of the premises you are making a representation about	K2 Mini Market
Address of the premises you are making a representation about	41 Church Street, Rugby, CV21 3PU

<i>Which of the four licensing objective does your Representation relate to?</i>	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	Yes	See Separate Sheet
Public safety	Yes	See Separate Sheet
To prevent public nuisance	Yes	See Separate Sheet
To protect children from harm	Yes	See Separate Sheet

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	See attached letter of representations
--	--

SignedS Watkins..... Date22nd July 2016.....

Please return this form along with any additional sheets to Licensing Team, Rugby Borough Council, Town Hall, Evreux, Rugby CV21 2RR. This form must be returned within the Statutory Period. For more details please check with the Licensing Team on (01788) 533884.

Representation for K2 Mini Market, Review of premises licence application

Representations

Warwickshire police made representations against the original application for the premise licence for K2 Mini Market. Warwickshire police engaged with many discussions with Ms Katherine Lekaj about the history of the premises and the expectation of the premise licence holder under the 2003 Licensing Act. We were given assurances from Ms Lekaj that the conditions that we proposed would be accepted and adhered. And that she did not know the previous owners or staff from when the premises held a licence under the name of Josie's. It was only after having these assurance and confirmation in an email from Ms Lekaj that Warwickshire police withdrew their representations against the initial premises licence application.

Whilst Warwickshire police understand that this is a new premise and that normally the previous history would have no bearing on a new licence, we feel that this is an exceptional case and concerns were raised during the initial application. Since then the Ms Lekaj has not complied with the conditions on her licence and our fears at the original application stage have been proved correct.

During the initial premise licence application Warwickshire police felt it our duty to ensure that the conditions volunteered by the applicant under 'section M' of the application form, are appropriate, workable, and enforceable to ensuring that they will promote the four licensing objectives. We felt it necessary to outline a brief history of the previous problems at the premises under the old licence and why we feel it necessary to make the suggestions for different licensing conditions which are listed below.

The previous premises licence for 'Josie's' at 41 Church Street, Rugby was initially issued on 1st February 2013.

During the time that this licence was in place there were a number of issues which concerned the police, until the licence was surrendered in September 2015, prior to a licensing review to apply for the licence to be revoked.

In November 2013, a test purchase operation was carried out at the premises, resulting in an underage sale. At this time there was no age verification policy in place, and no 'challenge 25' posters displayed. There was no refusals register in place either. The seller of the alcohol was issued with a fixed penalty notice.

PC 1822 Bailey and Penny Clarke the council licensing officer visited the premises to check on these things, and the use of CCTV. While checking the CCTV, the member of staff working in the shop was seen on CCTV to be drinking alcohol. Following this, the premise licence holder was put on an action plan to address these issues.

At the end of this investigation, the premise licence holder and DPS received a caution in relation to selling alcohol to a person aged under 18.

In January 2014, concerns were raised by the Rugby First Company with regards to alcohol being served to drunken people who were causing problems around anti-social behaviour in the churchyard opposite the premises, in contravention of the licensing objectives of public

safety, the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm. A Public Space Protection Order is now in place to try and deal with issues caused by this sort of alcohol sales.

As a result of this, the premises were visited again by PC Maughan and PS Watkins. The attitude and behaviour of the member of staff at the time fell well below that expected from someone working within the licensing trade.

In August 2015, PC Bailey and I attended the premises again with Trading Standards, resulting in the seizure of illegal items which were being sold on the premises. There were a number of breaches of the licence resulting from this visit too, such as, the staff member being unable to contact the premise licence holder/DPS, the premises licence not being on display, and the refusals/incident book not being in operation.

After the licence was surrendered, an application was submitted to Rugby Borough Council, for a licence to be granted to Katherine LEKAJ.

It is believed that the applicant had no dealing with the previous licence holder or DPS, although we understand from the applicant that she is good friends with some of the previous staff and will retain them in the premises as stated above there have been problems with the previous staff not complying with the conditions on the licence. The police were concerned that the work already done at these premises will have been in vain if conditions for the premise licence were not tightened up, due to these staff members from earlier this year being retained to continue to work there.

It was the view of the police that the following conditions should be placed on the licence replacing the conditions within 'section M of the application form', in order to address the above concerns:

Under the Prevention of Crime and Disorder

- 1. Proposed CCTV installations for licensed premises must be discussed with a Warwickshire Police Crime Reduction or Architectural Liaison Officer (Full working plan) prior to installation to ensure the system complies with this.**

'CCTV to comply with BS 7958. The system should be recording at all times that the premises are open for licensable activity. The CCTV should be stored for 31 days, and there should be someone available at all times when the premises are open, who can operate the system and able to download footage instantly, so that it is available to the police or other responsible authority on request.'

A suitably qualified company should be engaged to design and install the system to ensure compliance.

- 2. The DPS will give written consent of all authorised persons to sell on their behalf. A copy of this written consent should be kept in the premises and made available to authorised persons from Responsible Authorities.**

Under Public Safety

3. CCTV cameras are to be positioned in the premises to ensure that customers arriving are monitored along with the till areas in front and behind the tills.

Under the Protection of Children from Harm

4. Anyone who appears to be under the age of 25, and who is attempting to purchase alcohol must be required to produce proof of age before such a sale is made. This proof of age should be photographic ID, such as driving licence, passport, 'Prove It' card.
5. 'Challenge 25' posters and posters regarding proxy sales will be on display in full view of the public.
6. Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of all age restricted goods, including the awareness/prevention of proxy sales. The training should also cover changes in relevant legislation, and the use and storage of CCTV.
7. Alcohol displayed for sale will not be obstructed from the view of the sales assistants, and non alcoholic/soft drinks, crisps and confectionery will be situated away from the alcohol display area.

Under the Prevention of Public Nuisance

8. Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of alcohol to any person believed to be drunk. With written Instructions available to staff on duty on what to do if in this situation.
9. Such training sessions in condition 6 & 8 are to be documented and records to be kept in the premises and made available to authorised persons from Responsible Authorities.
10. A refusals book will be compiled and maintained containing records of instances/persons who have been refused the sale of age restricted items on the basis of either their perceived age, or that it is perceived to be a proxy sale, including dates, times, description of instances/person and the shop assistance who dealt recorded it. This must be entered at the time or immediately after the refusal and all records should be made available to authorised persons from Responsible Authorities.

Throughout the time that the licence was in operation for this premise, we have tried to work with the licence holder/DPS, to bring the premises to the standard expected in order to achieve the licensing objectives. We have received continual assurances from Ms Lekaj the premise licence holder that these conditions were accepted and would be adhered to when

sales of alcohol take place at the premise. This has not been the case, and as outlined in the Licensing Authorities review that Warwickshire police have conducted many visits to the premises highlighting the problem areas and working with Ms Lekaj to put things right. Yet after 6 months of interventions from visits, action plans, advice and several meetings. There are still 6 conditions not being complied with.

These are:

Prevention of Crime and Disorder

1. Condition 1.

CCTV to comply with BS 7958. The system should be recording at all times that the premises are open for licensable activity. The CCTV should be stored for 31 days, and there should be someone available at all times when the premises are open, who can operate the system and able to download footage instantly, so that it is available to the police or other responsible authority on request.

- The CCTV system is the previous system used by Josie's. On a number of visits we have requested CCTV; it has not been able (ie not recorded). The member of staff cannot use the CCTV system to download the images including the premise licence holder/DPS. Camera's not working in key areas. When we have received CCTV footage that has been requested it has no bearing on the incident recorded in the refusals book.

2. Condition 2.

The DPS will give written consent to all authorised persons to sell on their behalf. A copy of this written consent should be kept in the premises and made available to authorised persons from Responsible Authorities.

- We have repeatedly requested for this to be put in place, on the last visit someone else with a different handwriting to the premise licence holder/DPS has been added to the list, see annex 15 of RBC's review application. It is felt that this is still not being complied with correctly.

Under Public Safety

3. Condition 3.

CCTV cameras are to be positioned in the premises to ensure that customers arriving are monitored along with the till areas in front and behind the tills.

- We have regularly checked the cameras on a number of occasions the cameras behind the till are not working. The camera on the front door looking at customers arriving, still only gives a very dark image of someone entering the premises, you would not be able to identify the person.

Under the Prevention of Public Nuisance

4. Condition 6.

Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of alcohol to any person believed to be drunk. With written Instructions available to staff on duty on what to do if in this situation.

- There is still no evidence of training taking place for this. There is still no written instruction readily available for staff.

Under the Protection of Children from Harm

5. Condition 11.

Staff will be trained, and undergo regular 6 monthly refresher training in respect of the sale of all age restricted goods, including the awareness/prevention of proxy sales. The training should also cover changes in relevant legislation, and the use and storage of CCTV.

- There is still evidence that staff are not aware of the use and storage of CCTV, or about proxy sales. We feel that this condition is still not being complied with.

6. Condition 13.

Such training sessions in condition 6 & 11 are to be documented and records to be kept in the premises and made available to authorised persons from Responsible Authorities.

- There is still no evidence that this condition is in place for all members of staff. There have been improvements with a form of document being produced for one member of staff. Who still could not follow the training notes to complete the task of CCTV download.

It is the view of Warwickshire police to support Rugby Borough Councils review application with this representation. We feel that the conditions are simple and workable conditions for the nature and history of the premises, to assist in promoting the 4 licensing objectives. If we were to remove the conditions we feel that this would undermine the licensing objectives. If we looked to modify the conditions, we don't feel that they would be enforceable or can be modified. If we looked at leaving them as they are, they don't feel that they will ever be complied with and remain compliant. We therefore feel that the only alternative is to revoke the premise licence. Our evidence supporting this is with all the joint interventions, which is contained in the review application submitted by Rugby Borough Council.