

AGENDA

There will be a briefing for Members of the Sub-Committee at 13.15 pm

Licensing Sub Committee  
Thursday, 14th December, 2017 at 1.30 pm  
The Vestry, Trinity Arts Centre

**Members:** Councillor Paul Howitt-Cowan  
Councillor Mrs Jessie Milne  
Councillor Mrs Diana Rodgers

1. **To Elect a Chairman for this Meeting Only**

2. **Apologies for Absence**

3. **Members' Declarations of Interest**

*Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.*

4. **Procedure** (PAGES 3 - 4)  
Please note the procedure to be taken by the committee (which is attached to this agenda marked A).

5. **Licence Hearing** (PAGES 5 - 60)

**Reference Number:** TBC

**Application type:** Application for the Grant of Premises  
Licence

**Premise:** One Stop 102 Trinity Street,  
Gainsborough, Lincolnshire, DN21 1HS

**Applicant:** Mr Vaidas Latvaitis

**Date of Hearing** 14 December 2017

6. **Note:**

This licensing authority will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one member being unable to attend, their place will be substituted by another member. In the event of this substitution taking place all parties will be informed of the change of membership at the beginning of the hearing.

Mark Sturgess  
Interim Head of Paid Services  
The Guildhall  
Gainsborough

6/12/17

A

## WEST LINDSEY DISTRICT COUNCIL

### LICENSING ACT 2003

#### PROCEDURE FOR HEARINGS

1. Election of Chair.
2. Chair's welcome and opening remarks
  - name of Applicant and the premises address
  - the introduction of the Members of the Sub-Committee and Officers
  - introduction of Applicant and Objector(s)
  - Chair to explain that all parties have been given notice to attend the hearing and that the hearing will proceed notwithstanding a party's failure to attend the hearing
  - the Legal Adviser to explain the procedure to the parties
  - the Senior Licensing Officer will present the application which will include any previous licensing history.
3. Applicant to present case
  - the Applicant(s) or his/her/their representative presents his/her/their case
  - the Applicant or their representative will then call any witnesses and/or give evidence in support of their case
  - the Objector(s) or their representatives may then question the Applicant and their witnesses
  - the Members of the Sub-Committee may ask questions of the Applicant and their witnesses
  - the Applicant or their representative will then be given a final opportunity to ask any further questions of their witnesses to clear up any points raised in the earlier questioning.
4. The Objector(s)/Objector(s) Representative's Case

This procedure will be followed for each individual objector

- the Objector or his/her representative will give his/her reasons for objecting to the application
- the Objector or his/her representative will then call any witnesses
- the Applicant or his/her representative may then question the Objector or his/her representative and any witnesses
- the Members of the Sub-Committee may ask questions of the Objector or his/her representative and any witnesses
- the Objector or his/her representative will then be given a final opportunity of asking any further questions of their witnesses to clear up any points raised in the earlier questioning

5. The Applicant is asked by the Chair of the Sub-Committee whether, in light of the objections, he/she wishes to amend the application (when they retire Members will consider only the application before them at that time).

If the Applicant wishes to amend the application or indicates that he/she is prepared for Members to give consideration to an amended application if they are minded to refuse the original application, the Objector(s) are to be given the opportunity to comment on the amended application.

6. Closing Statement or Summary

The Objector(s) can summarise any points they wish to make and comment briefly on the Applicant's replies to questions. They cannot introduce any new issues at this stage.

Applicants can summarise any points they wish to make and comment briefly on the Objector(s)' replies to questions. They cannot introduce new issues at this stage.

7. Conclusion

The Chair will then ask the Legal Adviser whether there are any other matters to be raised or resolved before the Sub-Committee retires to begin its deliberations. The Sub-Committee will exclude the press and public from its deliberations and its decision making.

The Chair will advise the hearing that they will retire to consider the application and that the Legal Adviser will be retiring with them but will not take part in the deliberation. If legal advice is given by the Legal Adviser in the course of deliberations, the Legal Adviser will reiterate this advice to the hearing when the hearing is reconvened.

Once a decision has been made everybody is invited back in and the Chair announces the decision and will give reasons for the decision including any conditions that have been attached and the right of appeal if necessary. The decision will subsequently be formally notified to the Applicant and the Legal Adviser in writing by the Clerk to the Committee within 5 working days.

***NB*** *If legal advice is given to Members by the Legal Adviser then this advice will be repeated in summary form by the Legal Adviser when the public are re-admitted.*

## WEST LINDSEY DISTRICT COUNCIL

### LICENSING ACT 2003

<b>Reference Number:</b>	TBC
<b>Application type:</b>	Application for the Grant of Premises Licence
<b>Premise:</b>	One Stop 102 Trinity Street, Gainsborough, Lincolnshire, DN21 1HS
<b>Applicant:</b>	Mr Vaidas Latvaitis
<b>Date of Hearing</b>	14 December 2017

#### 1 The Application

- 1.1 The application made is for the grant of a new premises licence under section 17 of the Licensing Act 2003.
- 1.2 The application submitted is requesting authorisation for the supply of alcohol (for consumption off the premises). The full application with all the relevant details is attached as Appendix 1. The proposed area to be licensed can be seen from the plan which forms part of the application within Appendix 1 for 102 Trinity Street.

#### 2 Background

- 2.1 102 Trinity Street, Gainsborough was previously a licensed convenience store operating under the authorisation of premises licence number 32UHB01701. However at a licensing hearing to determine a review application submitted by Lincolnshire Police, held on 10 May 2017, members of the licensing sub-committee resolved to revoke that licence, due to not complying with the premises licence conditions amongst other things, the full reasons can be found within the Decision Notice dated 15 May 2017.

#### 3 Promotion of the Licensing Objectives

- 3.1 In submitting the application the applicant is required to describe any steps intended to be taken in order to promote the following 4 licensing objectives, which are:
  - The Prevention of Crime and Disorder
  - Public Safety
  - The Prevention of Public Nuisance
  - The Protection of Children from Harm
- 3.2 The steps the applicant intends to take are detailed in section M (a-e), of the application form (Appendix 1).

#### 4 Representations – Responsible Authorities

4.1 One representation has been submitted by Lincolnshire Police which can be found at Appendix 2.

## 5 Representations – Other Persons (previously known as Interested Parties)

5.1 None

## 6 Considerations

6.1 Each application must be considered on its own merits, **standardised conditions cannot be applied across the board** to all licences of a similar type.

6.2 Each representation must be considered and in each case the committee must satisfy themselves whether or not the licensing objectives are being met by the applicant with respect to each matter.

6.3.1 Therefore, before any conditions can be imposed on a licence, they have to be *appropriate for the promotion of the licensing objectives and where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives*. Conditions must be *proportionate, reasonable, and capable of being directly complied with by the licensee*. Furthermore, conditions should be clear and understandable, not be imposed to achieve an ulterior motive outside the scope of the legislation, not over generalised and cannot override primary legislation. If the Sub-Committee are minded that a condition is not appropriate for the promotion of the licensing objectives, then it should not be imposed.

6.3.2 Clearly, the Sub-Committee have to *consider extremely carefully* whether or not additional conditions need to be attached in order for the promotion of the licensing objectives?

6.4 In making its decision the committee must consider the application in line with the following:

- The Licensing Act 2003
- The Section 182 Guidance made under the Act
- The Licensing Authority's Licensing Policy Statement
- Decisions handed down from any relevant case law by the Courts where relevant

6.5 Policy Considerations

6.5.1 When considering the application and representations received, attention is drawn to the Licensing Authority's Policy which can be found at the link below by clicking on the Download Tab, then downloading the Policy:  
<http://www.west-lindsey.gov.uk/businesses/licensing/licensing-and-gambling-policies/licensing-policy/104810.article>

6.6 Statutory Guidance

6.6.1 Attention is also drawn to the contents of the section 182 statutory guidance which can be found at the link below:

## 7 Options

- 7.1 Licensing Act 18(2) Subject to subsection (3) below, the authority must grant the licence in accordance with the application subject only to-
- (a) such conditions as are consistent with the operating schedule accompanying the application, and
  - (b) any conditions which must under section 19, 20 or 21 be included in the licence.

(3) Where relevant representations are made, the licensing authority must –

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are –

- (a) to grant the licence subject to-
  - (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
  - (ii) any condition which must under section 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor;
- (d) to reject the application;

(5) For the purposes of subsection (4)(a)(i) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.

**Conditions cannot be attached with respect to any part of the application on which no representation(s) have been received.**

This is a matter for the committee to determine in light of the above matters and any others it considers relevant.

**N.B.** Whatever decision the Members of the Licensing Sub-Committee arrive at, they are reminded about the comments made in a recent court case, known as Hope and Glory, in relation to reasons for their decision making. The comments noted from this case stated: *“The fuller and clearer the reasons, the more force they are likely to carry”*. Therefore taking these comments into account, Members are strongly advised to give good, clear, justifiable reasons in relation to their decision, which will have more chance of being upheld, should the decision be appealed against.

## 8 List of Appendices

Appendix 1  
Appendix 2

Application Form  
Representation Form  
Lincolnshire Police

## **9 Background Papers**

Licensing Act 2003

WLDC Statement of Licensing Policy

Guidance made under section 182 of the Licensing Act 2003



WPS P00105814

1100

23.10.17



APPENDIX 1

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We **VAIDAS LATVAITIS**

*(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 102 TRINITY STREET <i>Quick Stop</i>			
Post town	GAINSBOROUGH	Postcode	DN21 1HS
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£5000 <del>£3,300</del> <i>neg.</i>		

West Lindsey District Council  
23 OCT 2017  
CUSTOMER SERVICES

*Paid fee.*

West Lindsey District Council  
24 OCT 2017  
POST ROOM

*app accepted*

## 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/limited liability partnership       please complete section (B)
- ii as a partnership (other than limited liability)       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)
- 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 (by ticking yes to one box below):

- 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
- function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname <b>LATVAITIS</b>		First names <b>VAIDAS</b>		
Date of birth		I am 18 years old or over		<input checked="" type="checkbox"/> Please tick yes
Nationality [REDACTED]				
Current residential address if different from premises address		[REDACTED]		
Post town	[REDACTED]	Postcode	[REDACTED]	
Daytime contact telephone number		[REDACTED]		
E-mail address (optional)	[REDACTED]			

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		
Date of birth		I am 18 years old or over		<input checked="" type="checkbox"/> Please tick yes
Nationality				
Current postal address if different from premises address		[REDACTED]		
Post town	[REDACTED]	Postcode	[REDACTED]	
Daytime contact telephone number		[REDACTED]		
E-mail address (optional)	[REDACTED]			

**(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

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1) It is a small retail with ready to eat products. Off-supplies of alcohol will be provided for selling just next to a till.
---

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all 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)
- i) **Provision of late night refreshment** (if ticking yes, fill in box I)
- j) **Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)	
Mon				
Tue				
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)	
Thur				
Fri			<b>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</b> (please read guidance note 6)	
Sat				
Sun				

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)	
Mon				
Tue				
Wed				
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)	
Thur				
Fri				
			<b>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</b> (please read guidance note 6)	
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
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 6)
Fri			
Sat			
Sun			



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)			
Mon						
Tue						
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)			
Thur						
Fri						
Sat			<b><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></b> (please read guidance note 6)			
Sun						

E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)			
Mon						
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)			
Wed						
Thur			<b>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</b> (please read guidance note 6)			
Fri						
Sat						
Sun						

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur					
Fri					
Sat			<b>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</b> (please read guidance note 6)		
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Wed					
Thur					
			<b><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></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**H**

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)</p>		
Fri					
Sat			<p><b><u>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</u></b> (please read guidance note 6)</p>		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)					
Mon	9:00	23:00						
Tue	9:00	23:00						
Wed	9:00	23:00						
Thur	9:00	23:00				<b>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</b> (please read guidance note 6)		
Fri	9:00	23:00						
Sat	9:00	23:00						
Sun	9:00	23:00						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Virginijus Skarbalius	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	9:00	23:00	<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 6)
Tue	9:00	23:00	
Wed	9:00	23:00	
Thur	9:00	23:00	
Fri	9:00	23:00	
Sat	9:00	23:00	
Sun	9:00	23:00	

**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 10)



A)

Licenses and staff have responsibility for the effective and safe management of the premises and promotion of the four licensing objectives. Training will be provided to all staff and will be both preventing and managing problems arising at premises.

B) The prevention of crime and disorder

- CCTV system installed inside and outside of premises with recording
- OPS continued it is obligated to be in day-to-day control of the premises.
- the development of good relations with local police office
- measures to prevent the use a supply of illegal drugs.

C) Public safety

- All parts of premises and all fittings and apparatus therein, door fastenings and notices, lightings, heating, electrical and other installation will be maintained at all times in good order and in safe condition.
- provision of CCTV.

D) The prevention of public nuisance

- Business opening 9-23.
- Deliveries of goods necessary for the operation of the business will be carried at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

E) The protection of children from harm

- Challenge 25 sign which is retailing strategy that encourages anyone who is ~~or~~ over 18 but looks under 25 to carry acceptable ID if they wish to buy alcohol.
- well trained staff about requirement for persons identification, age establishment.

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.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**






**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	
Date	23.10.17
Capacity	PROPRIETOR

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). 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 14)			
Vaidas Latvaitis			
			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

Information on the Licensing Act 2003 is available on the website of GOV UK at <https://www.gov.uk/guidance/alcohol-licensing>

Or from the Licensing Team, West Lindsey District Council, Guildhall, Marshall's Yard, Gainsborough, Lincolnshire DN21 2NA

Telephone: 01427 676676

Email: [licensing.2003@west-lindsey.gov.uk](mailto:licensing.2003@west-lindsey.gov.uk)

**Data Protection Act 1998:** We will use the information you give us to (a) do the tasks we need to do for the job shown in the title of this form (b) carry out any of our official business (c) stop fraud or crime. Under the Act, West Lindsey District Council is the data controller (the holder, user and processor of data) for the information you have given us."

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see [www.west-lindsey.gov.uk/fairprocessingnotice](http://www.west-lindsey.gov.uk/fairprocessingnotice) or contact the finance department on, 01427 676560, [FinanceTeam@west-lindsey.gov.uk](mailto:FinanceTeam@west-lindsey.gov.uk)

Consent of individual to being specified as premises supervisor

I VIRGINIJUS SKARPALIUS  
[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

APPLICATION FOR PREMISES LICENCE  
[type of application]

by

VAIDAS LATVAITIS  
[name of applicant]

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

for

Quick Stop  
102 TRINITY ST GAINS  
[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

VAIDAS LATVAITIS  
[name of applicant]

concerning the supply of alcohol at

Quick Stop  
~~PRETSH DELI~~ 102 TRINITY STREET GAUNSBOROUGH DN211HS  
[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and 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)

VIRGINIJUS SKARBALIUS

Date

24/10/2017





## 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. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or

(iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. 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.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. 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.
  8. 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'.
  9. 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.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK: or

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.









**Licensing Act 2003**

**Representation by a Responsible Authority**

**Note:** Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority

Representations are only relevant to an application if they relate to at least one of the four Licensing Objectives listed below:

1. **The Prevention of Crime and Disorder**
2. **Public Safety**
3. **Prevention of Public Nuisance**
4. **The Protection of Children from Harm**

Please enter your details below:

Responsible Authority:	Lincolnshire Police
Contact Officer:	PC 642 McConville
Address:	Lincolnshire Police HQ Deepdale Lane Nettleham LN2 2LT
Telephone Number:	01522 558438
E-Mail:	countylicensinggroup@lincs.pnn.police.uk

Please provide details of the application to which your representation refers:

Name:	102 Trinity Street
Address:	Gainsborough. DN21 1HS
Application Details:	Mr Vaidas Latvaitis

Date Application Received:	23 <sup>th</sup> October 2017
----------------------------	-------------------------------

Please provide details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box/es:

- **The Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**
- **The Protection Children from Harm**

102 Trinity Street, Gainsborough has previously operated as a convenience store with licensable activities authorised by Premises Licence 32UHB01701 granted by West Lindsey District Council.

This representation is submitted in relation to an application for a new premises licence submitted by the proposed licence holder, Vaidas Latvaitis. It is proposed to operate the premises as a convenience store, licensed to sell alcohol for off sales. The proposed Designated Premises Supervisor (DPS) is named as Virginijus Skarbalius.

The premises has a history of being utilised in the storage and supply of contraband alcohol, contrary to Section 144 Licensing Act 2003 and Customs and Excise Management Act 1979.

On 3<sup>rd</sup> March 2017, Lincolnshire Police submitted a review of the premises licence under two of the licensing objectives, namely the prevention of crime and disorder and public safety. On 10<sup>th</sup> May 2017, and owing to the seriousness of the criminality present, the West Lindsey Licensing committee made the decision to revoke the premises licence – See Appendix A. No subsequent appeal was received in respect of the revocation.

At the time of this review, the Premises Licence Holder was named as Mr Zydrunas Gaubys, and the DPS as Virginijus Skarbalius. Whilst investigating the relevant offences Mr Gaubys disclosed that he owned a second business, [REDACTED] Scunthorpe.

Information from Humberside Police further indicates that the proposed DPS, Virginijus Skarbalius is also the DPS for [REDACTED] Scunthorpe, as well as two further businesses within Scunthorpe.

On Tuesday 17<sup>th</sup> October, Lincolnshire Police spoke to the applicant, Mr Latvaitis who confirmed that the business was still owned by the previous Premises Licence Holder, Zydrunas Gaubys – See Appendix B. Mr Latvaitis confirmed that he intended was to buy the business once an alcohol premises licence was granted. Ultimately there is no guarantee that this business transfer will occur, resulting in the business remaining in control of the previous occupants. Owing to the former and proposed DPS being the same, alongside the fact that the transfer of the business has not yet occurred, there is the concern that criminality will continue within the premises.



If possible, please suggest alterations to the application that would resolve the problem mentioned above, again paying attention to the **Licensing Objectives**:

Lincolnshire Police can suggest no other suitable alterations to the application to elevate the above concerns.

Have you contacted the applicant to discuss this representation?

Yes  No

Have you contacted the Licensing Section to discuss this representation?

Yes  No

Do you consider further discussion could resolve the issue?

Yes  No

Do you intend to attend or be represented at any sub-committee hearing?

Yes  No

Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above.   
(please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).

Please return this form to the following address:

**Licensing Team  
West Lindsey District Council  
Marshall's Yard  
Gainsborough  
Lincolnshire  
DN21 2NA**

Phone: 01427 676676 or fax 01427 675159  
or e-mail to:-

[licensing.2003@west-lindsey.gov.uk](mailto:licensing.2003@west-lindsey.gov.uk)



Birch, Gemma

---

**From:** Vaidas Latvaitis [REDACTED]  
**Sent:** 17 October 2017 17:00  
**To:** Birch, Gemma  
**Subject:** Re: 102 Trinity Street, Gainsborough  
  
**Categories:** Red Category

Good evening,

The store 102 Trinity Street is currently owned by Zydrunas Gaubys ( address: [REDACTED], Scunthorpe, [REDACTED]), but I would like to purchase this business from him.

Kind Regards

Vaidas Latvaitis

2017-10-17 11:00 GMT+01:00 Birch, Gemma <[Gemma.Birch@lincs.pnn.police.uk](mailto:Gemma.Birch@lincs.pnn.police.uk)>:

Morning,

As discussed today, please can you send me details for who currently owns 102 Trinity Street, and who you have spoken to regarding the purchase of this business.

Many thanks

***PC 80 Gemma Birch***

*Licensing (Alcohol)*

*Lincoln Police HQ*

*PO Box 999*

*LN5 7PH*

*(Sat Nav LN2 2LT)*

*01522 558380*

*[countylicensinggroup@lincs.pnn.police.uk](mailto:countylicensinggroup@lincs.pnn.police.uk)*

***Policing with PRIDE***

***Professionalism Respect Integrity Dedication Empathy***

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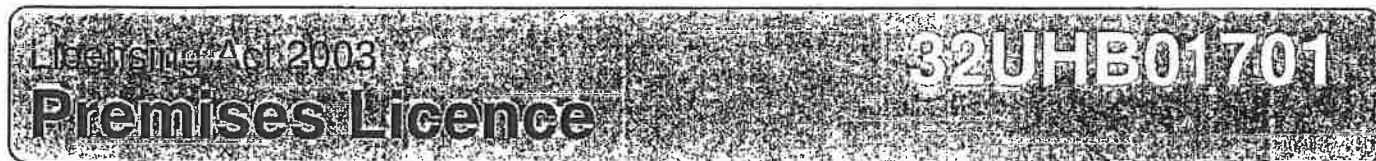
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Be particularly cautious of attachments ending with .EXE.

Please make sure Macro Virus Detection is enabled in your Microsoft Office Applications.



Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**102 Trinity Street**  
102 Trinity Street, GAINSBOROUGH, Lincolnshire, DN21 1HS.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- the sale by retail of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
M.	The sale by retail of alcohol for consumption OFF the premises only Monday to Sunday	9:00am	11:00pm

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Sunday	9:00am	11:00pm

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

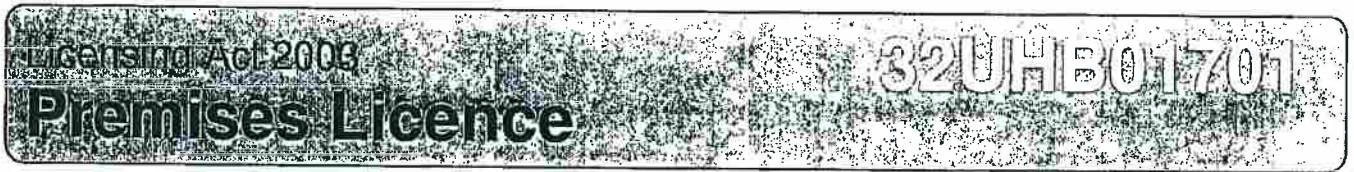
Zydrunas Gaubys  
[Redacted Address] Telephone [Redacted]

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

[Redacted]

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Virginijus SKARBALIUS  
[Redacted Address] Telephone [Redacted]



**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Licence No. [REDACTED] Issued by [REDACTED]

**ANNEXES**

**Mandatory Conditions Supply of alcohol - Off-Licensed Premises**

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.

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

Any supply of alcohol for consumption off the premises must be in sealed container.

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. 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 a holographic mark.

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

No super-strength beer, lagers or ciders of above 6.5ABV (alcohol by volume) shall be sold at the premises.

A CCTV system shall be installed, recording and maintained in working order and operated at the premises to the satisfaction of Lincolnshire Police, specifically:

- There shall be a minimum of one high resolution camera fitted in a weatherproof housing, for external coverage of the entrance.

Licensing Act 2003

**Premises Licence**

**32UHB01701**

**ANNEXES continued ...**

- There shall be a minimum of one high-resolution colour camera fitted to the public entrance/exit to provide a quality head and shoulder image for facial recognition/identification purposes of all persons entering the premises.
- There shall be sufficient cameras able to cope with the normal operating illumination to reasonably cover all licensed public areas.
- Recordings must be kept for a minimum of 31 days and endorsed with the accurate, correct time/date (BST/GMT adjusted).
- The frame rate shall be maintained to a standard whereby any footage produced is of sufficient quality to be of evidential use.
- Police and/or Licensing Officers shall be able on attendance to view playback of any incident without the necessity for download.
- Recordings of incidents at the premises must be provided to the police following lawful request.
- A member of staff should be on the premises at all times they are open to the public who is capable of operating the CCTV system and providing recordings on request. When this is not possible recordings will be produced at the nearest Police station within 24 hours of the original request.
- Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.

A 'Challenge 25' Proof of Age scheme will be operated. Anyone attempting to purchase alcohol (or other min.18 restricted product) that appears under the age of 25 years will be asked for proof of age. Acceptable forms of identification will be a PASS-accredited proof of age card, photo driving licence or passport. Failure to produce satisfactory proof of age will result in a refused sale.

Clear, prominent and unobstructed signage informing customers of the Proof of Age scheme in operation and the age restrictions on products, will be clearly displayed at: all entry points to the premises, adjacent to the age restricted products, and all points of sale.

All point of sale staff shall undergo periodic training in the above policy with a record kept of the date of training, signed by the member of staff and the trainer. Each entry shall be





Licensing Act 2003

**Premises Licence**

**32UHB01701**

**ANNEXES continued ...**

retained for a period of 24 months from date of completion. This record shall be made available for inspection by Lincolnshire Police Officers or other parties acting on their behalf.

A refusal register will be maintained on the premises in the following format:

- The register shall be in a bound page format with each page consecutively numbered.
- Each entry to be timed dated and signed by staff member making the refusal.
- Any CCTV evidence to be retained and cross-referenced to the specific refusal.
- Description and/or name of refused person.
- Each entry to be dated and signed by the DPS.
- The item attempted to purchase will be recorded.
- Reason for refusal will be recorded.
- Register to be retained for period of 24 months.
- Register to be produced upon request by Police or Trading Standards.

All alcohol & tobacco products will be purchased from established and bona fide wholesale traders and orders / purchases shall only be made by the Licence Holder or the Designated Premises Supervisor.

All receipts and invoices (or copies) will be held on the premises and made available for inspection by the authorities on reasonable request. These records will be kept for a period of no less than 24 months.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

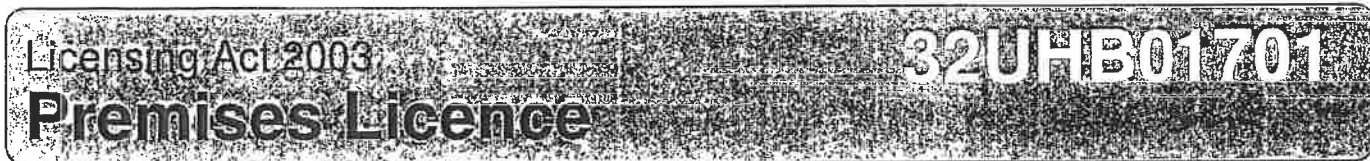
Not applicable





Guildhall  
Marshall's Yard  
GAINSBOROUGH  
Lincolnshire  
DN21 2NA

Tel: 01427 676676  
Fax: 01427 675159



Licensing Act 2003  
**Premises Licence Summary**  
32UHB01701

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION			
<b>102 Trinity Street</b> 102 Trinity Street, GAINSBOROUGH, Lincolnshire, DN21 1HS.			
WHERE THE LICENCE IS TIME LIMITED THE DATES			
Not applicable			
LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE			
- the sale by retail of alcohol			
THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
M.	The sale by retail of alcohol for consumption OFF the premises only Monday to Sunday	9:00am	11:00pm
THE OPENING HOURS OF THE PREMISES			
Description	Time From	Time To	
Monday to Sunday	9:00am	11:00pm	
WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES			
- M. The sale by retail of alcohol for consumption OFF the premises only			
NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE			
Zydrunas Gaubys			
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)			
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL			
Virginijus SKARBALIUS			
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED			
As per Licensing Act 2003			

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 **Bill SKELLY (Chief Constable of Lincolnshire Police)**

*(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

Polish Shop 102 Trinity Street	
Post town Gainsborough	Post code DN21 2HS

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

Number of premises licence or club premises certificate (if known) 32UHB01701
--

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)

X

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 LINCOLNSHIRE POLICE FORCE HEADQUARTERS DEEPDALE LANE NETTLEHAM LINCOLNSHIRE LN5 7PH
Telephone number (if any) 01522 558448
E-mail address (optional) countylicensinggroup@lincs.pnn.police.uk

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

- |   |                                 |
|---|---------------------------------|
|   | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | x                               |
| 2) public safety                        | x                               |
| 3) the prevention of public nuisance    |                                 |
| 4) the protection of children from harm |                                 |

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

This building has been granted a premises licence by West Lindsey District Council authorising the sale of alcohol for consumption off the premises from 0900 until 2300 hours Monday to Sunday. The opening hours of the premises are the same.

The Premises operates as a convenience store selling alcohol, food and general goods.

The venue is operated by the licence holder Mr Zydrunas Gaubys. Virginihus Skarbalius is named as the Designated Premises Supervisor.

This review application is submitted as relevant to 2 of the licensing objectives, namely the prevention of crime and disorder and public safety.

Lincolnshire Police consider that the licence holder is undermining these objectives by failing to conduct licensable activity, namely the sale of alcohol, in accordance with the conditions contained within the premises licence issued by West Lindsey District Council, exposing and keeping contraband alcohol for sale at these premises and failing to produce a premises licence and failing to comply with conditions within the premise licence.

This serves to demonstrate that the licence holder is not actively promoting the licensing objectives for the prevention of crime and disorder and public safety at this premises

Section 2.6 of the Guidance to the Licensing Act 2003 states licence holders have a responsibility to ensure the safety of those using their premises, as part of their duties under the 2003 Act.

There are obvious concerns in relation to public safety with regard to the possible health hazards from the unknown contents of illegally produced alcohol.

Section 11.24 of the Guidance to the Licensing Act 2003 states a number of reviews may arise in connection with crime which is not directly connected with licensable activities. For example....the sale of contraband or stolen goods. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

Section 11.26 states that it is the role of the Licensing Authority to take steps to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

Section 11.27 states that there is certain criminal activity which should be treated particularly seriously, one of these being; 'for the sale or storage of smuggled alcohol'.

Section 11.28 states that where the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.

Section 9.12 states that the Police, in their role as a responsible authority, are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The Police should be the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Licensing Authority should accept all reasonable and proportionate representations made by the police unless the Authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.

Section 51.147 states that in order for the offence of Keeping of Smuggled Goods to be committed, 'the defendant must knowingly keep goods on the premises which are in fact smuggled; **he need not know that they are smuggled**'.

Allowing these premises to continue to operate with the benefits of a premises licence will merely serve to perpetuate the criminal activity evident from the Police evidence, thereby undermining the licensing objectives.

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

On 28<sup>th</sup> February 2017, Police Licensing officers visited the premises and found that the premises licence was not available for inspection. The licence holder was found to be conducting licensable activities otherwise than in accordance with the licence (Section 136 Licensing Act 2003) by not complying with some of the conditions contained within the premises licence.

Whilst conducting the inspection, officers were suspicious of alcohol being offered for sale which were believed to be non-duty paid. Please see Appendix A, statement of Pc 642 McConville with attached photographs.

The keeping of smuggled goods on licensed premises is an offence under Section 144 of the Licensing Act 2003.

Mr Gaubys has confirmed that he purchased the alcohol from a company in Manchester, but has been unable to provide any details for this company, nor provide any formal paperwork or receipts for this purchase.

Mr Gaubys owns [REDACTED], Gainsborough, for which another party is named on the premise licence (Appendix B). A licensing inspection was conducted at this premise on 23<sup>rd</sup> February 2017, resulting in a seizure of alcohol suspected to be smuggled goods. Please see Appendix C, statement of PC 80 Birch.

Mr Gaubys has [REDACTED] of keeping contraband goods on licenced premises (Section 144 Licensing Act 2003) and for carrying on unauthorised licensable activity (Section 136 Licensing Act 2003).

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Lincolnshire Police submit that having been found selling and storing goods where duty has been evaded in contravention of the Customs and Excise Management Act 1979 and Licensing Act 2003 and having breached conditions on the premise licence, this clearly indicates that the management at the premises is entirely inadequate and unsuitable.

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**

[REDACTED]

[REDACTED]



Please tick ✓ yes

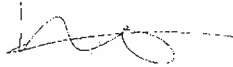
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**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 03/03/17

Capacity for and on behalf of Chief Constable of Lincolnshire Police

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6) LEGAL SERVICES POLICE HQ DEEPDALE LANE NETTLEHAM	
<b>Post town</b> LINCOLN	<b>Post Code</b> PO BOX 999
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**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.





**Licensing Act 2003  
Decision Notice for Review of Premises Licence**


Date of Hearing	10 May 2017
Members of Panel	Councillor David Cotton (Chair) Councillor Pat Mewis Councillor Jessie Milne
Applicant(s) Name	Chief Constable of Lincolnshire Police
Premises Licence Holders Name	Mr Zydrunas Gaubys
Premises Address	102 Trinity Street, Gainsborough, Lincolnshire DN21 1HS
Date of Application	13 March 2017
Details of Application	Application for Review of Premises Licence under section 51 of the Licensing Act 2003  Relevant Licensing Activities: Retail sale of alcohol (for consumption off the premises)

**RESOLVED**

that the premises licence for 102 Trinity Street, Gainsborough be **REVOKED**

**REASON**

We have considered all matters put before us and listened carefully to what has been said to us today.

We are satisfied that the premises owner has not complied with the conditions of the alcohol licence which was only 

We have heard that alcohol was purchased from the back of the car and this should have raised concerns that the alcohol was illegitimate and likely contraband.

We have also heard from Lincolnshire Police that alcohol was seized, counterfeit goods without duty paid, contrary to the Law.

Shop staff have not been trained to operate the CCTV or to be able to comply with the Licensing condition that recordings be produced.

We have also heard that there was no register for the refusal of sale of alcohol. This is contrary to the licence conditions.

There was alcohol on sale at more than 6.5% by volume, again breaching the licensing conditions.

There is a disregard for the conditions of the licence and a failure to promote the licensing objectives. This is specifically the objective of Crime and Disorder.

The alcohol, which was counterfeit, was on a premises over which you had control. The Act states that you do not have to know the goods were smuggled to be guilty of the offence.

You have evaded the legal duty to be paid to HMRC. Also you have failed to provide any receipts or a paperwork audit trail for those items which are counterfeit or that purchased from the back of the car. Also that stock already held.

In accordance with the guidance, where you fail to promote the crime and disorder objective the Committee should consider revoking the Licence.

Given the failings to comply with the licence conditions and also the storage of counterfeit goods, we feel these failings and offences and failing to promote the Licensing objectives, the Committee, following the guidance, have no choice other than to revoke the licence for 102 Trinity Street.

#### **Right of Appeal**

1. All parties were reminded of the right to appeal the above decision to the Magistrates Court within 21 days of being notified.
2. All parties will be given a written copy of the decision notice within five working days of this hearing.

Signed...  ...

Date ...15 May 2017...

Licensing Team Manager