



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 th October 2017
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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 3rd 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 10th 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 17th 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

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>:

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

Policing with PRIDE

Professionalism Respect Integrity Dedication Empathy

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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

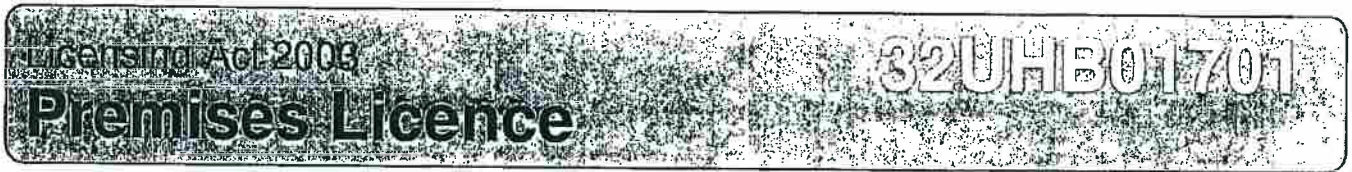
Zydrunas Gaubys
[Redacted Address] Telephone [Redacted]

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 and Telephone]



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



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Premises Licence

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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

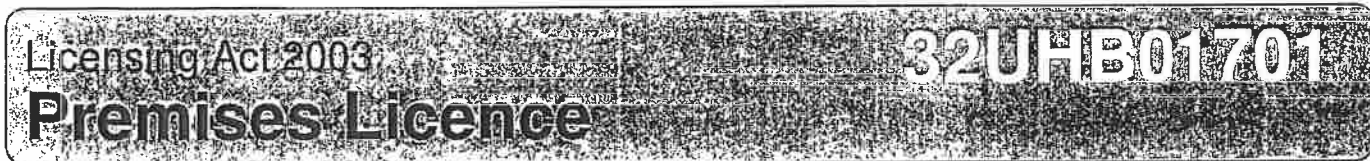
Not applicable





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
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

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 28th 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 23rd 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).

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

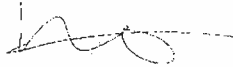
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

LEGAL SERVICES
POLICE HQ
DEEPDALE LANE
NETTLEHAM

Post town

LINCOLN

Post Code

PO BOX 999

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.





**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 [REDACTED]

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