

## AGENDA

### LICENSING COMMITTEE HEARING

TUESDAY, 29 JANUARY 2019

10.00 AM

COUNCIL CHAMBER, FENLAND HALL

Committee Officer: Linda Albon  
Tel: 01354 622229  
e-mail: [memberservices@fenland.gov.uk](mailto:memberservices@fenland.gov.uk)

- 1 To receive apologies for absence
- 2 Members to declare any personal and prejudicial interests under the Local Code of Conduct in respect of any item to be discussed at the meeting.
- 3 DETERMINATION OF AN APPLICATION FOR THE REVIEW OF A PREMISES LICENCE MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - MARCH EXPRESS, 4 STATION ROAD, MARCH, PE15 8LB (Pages 3 - 28)

*To consider an application for the review of a premises licence in respect of March Express, 4 Station Road, March, PE15 8LB*

*Report attached.*

Date Not Specified

Members: Councillor M Humphrey (Chairman), Councillor A Miscandlon, Councillor M Tanfield and Councillor Mrs K Mayor

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<b>AGENDA ITEM NO. 3</b>	
<b>LICENSING COMMITTEE</b>	
<b>Date</b>	<b>29 January 2019</b>
<b>Title</b>	<b>DETERMINATION OF AN APPLICATION FOR THE REVIEW OF A PREMISES LICENCE MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 – MARCH EXPRESS, 4 STATION ROAD, MARCH, PE15 8LB</b>

**1 PURPOSE/SUMMARY**  
 To consider an application for the review of a premises licence in respect of March Express, 4 Station Road, March, PE15 8LB

**2 KEY ISSUES**

- The review has been triggered through a request from Trading Standards and the Police
- The reasons for the review are:
  - Sales of Illicit Tobacco through a Test Purchase Operation.
  - Breach of CCTV Licensing Conditions as per Annex 3 of the Premises Licence.
  - Failure to appoint a fit and proper Designated Premises Supervisor resulting in a breach of the Licensing Act 2003.
- The review application is made under the following licensing objectives; the prevention of crime and disorder and public safety.
- It is the responsibility of all premises licence holders to demonstrate that suitable and sufficient measures are undertaken to uphold the four Licensing Objectives of the Licensing Act 2003;
- There is a requirement to hold a hearing to determine the application for the review of a premises licence.

**3 RECOMMENDATION(S)**

That the committee determines the application, having regard for the evidence presented by the parties to the hearing, the relevant legislation and guidance applicable to this process and the content of this report.

<b>Wards Affected</b>	March West
<b>Forward Plan Reference No.</b> <small>(if applicable)</small>	N/A
<b>Portfolio Holder(s)</b>	Councillor David Oliver, Portfolio Holder with responsibilities for Licensing.
<b>Report Originator</b>	Michelle Bishop, Licensing Manager, tel: 01354 622542, email: <a href="mailto:mbishop@fenland.gov.uk">mbishop@fenland.gov.uk</a>
<b>Contact Officer(s)</b>	Dan Horn, Head of Housing & Community Support, 01354 654321, <a href="mailto:dhorn@fenland.gov.uk">dhorn@fenland.gov.uk</a> Richard Cassidy, Corporate Director, 01354 622300, <a href="mailto:richardcassidy@fenland.gov.uk">richardcassidy@fenland.gov.uk</a>

<b>Background Paper(s)</b>	Section 182 Guidance to the Licensing Act 2003 The Licensing Act (Hearings) Regulations 2005 Fenland District Council's Statement of Licensing Policy 2016 - 2021
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## 1 DETAILS OF APPLICATION

- 1.1 The application relates to the proposed review of an existing premises licence in respect of March Express, 4 Station Road, March. PE15 8LB
- 1.2 The applicants are Andrew Fayers, Trading Standards Officer on behalf of Cambridgeshire County Council and supported by PC Grahame Robinson, Police Licensing Officer on behalf of Cambridgeshire Constabulary. Copy applications are **APPENDIX B** and **APPENDIX C** to this report.
- 1.3 The application to review relates to the following licensing objectives:
- The prevention of crime and disorder
  - Public safety
- 1.4 Grounds for the application to review include:
- On 6 December 2018, Trading Standards Officers attended the premises known as March Express, 4 Station Road, March to execute a test purchase operation. During this time the premises sold illicit tobacco, consisting of one packet Marlboro Gold.
  - On 6 December 2018, Police Licensing Officer attended the premise with Trading Standards and found them to be in breach of the CCTV Conditions as per Annex 3 of the Premises Licence
  - On 20 November 2018, Trading Standards Officer attended the premises to execute a warrant due to numerous intelligence items being received, on this occasion no illicit tobacco was found.
  - On 20 November 2018, Police Licensing Officer attended the premises and found there to be no Designated Premises Supervisor in place as the previous person Rasa Jankauskaite had sold the shop. There was also a breach of the CCTV condition identified as per Annex 3 of the Premises Licence.
  - On 7 November 2018, Trading Standards Officers attended the premises known as March Express, 4 Station Road, March to execute a test purchase operation. During this time the premises sold illicit tobacco, consisting of one packet Malboro Gold.
  - On 11 October 2018, Trading Standards Officers attended the premises known as March Express, 4 Station Road, March to execute a test purchase operation. During this time the premises sold illicit tobacco, consisting of one packet Malboro Gold.
  - The premises have been subject to previous Test Purchases, breach of Premises Licence conditions and activities surrounding the sale of illicit tobacco. The history of these can be found at **APPENDIX D** to this report.

## 2 DETAILS OF THE CURRENT PREMISES LICENCE

- 2.1 The Premises Licence Holder of March Express March Express Ltd, 4 Station Road, March, PE15 8LB.

The only person showing on companies' house for this company is Sandra Aksenciute, DOB March 1998. The company was first registered 31<sup>st</sup> October 2018. This can be seen at **APPENDIX E** to this report.

The Designated Premises Supervisor responsible for alcohol sales is Swarra Sherif Hamad Amin, 4 Dagless Way, March, Cambridgeshire PE15 8QY

2.2 Personal Licence No. 1108 issued by Fenland District Council.

2.2 The current Premises Licence is valid from 23<sup>rd</sup> November 2018 and is **APPENDIX F** to this report. A summary of the licence is as below:

<b>Licensed Activity</b>	<b>Days and Times</b>
Sale by Retail of Alcohol (off sales)	Mon-Sun 08:00-23:00
<b>Seasonal variation:</b>	None applied for.

### **3 CONSULTATION/AWARENESS**

3.1 The Licensing Act 2003 encourages discussion between persons serving applications for the review of a premises licence and the premises licence holder with the aim of resolving issues of concern, to strike the balance between enabling the applicant to operate his/her premises in a manner that meets his/her business needs/aspirations and the necessary protection of the community. Officers are unaware of any discussion between the parties involved in the review application.

3.2 In accordance with the provisions of the Licensing Act 2003, applicants for the review served copies of the application for the review of a premises licence under the Licensing Act 2003 to the premises licence holder and responsible authorities.

3.3 In accordance with Section 51 of the Licensing Act 2003, a notice of a review was drawn up by Licensing Officers and placed in a local newspaper displayed on light blue paper at the premises, displayed at Fenland Hall in the business reception area, and displayed at the Fenland @ Your Service shop in March. The documents were also placed on the Council Website. The notice informs Responsible Authorities and Other Persons of the procedure for the inspection of the review application and for making representations concerning the review.

### **4 POLICY IMPLICATIONS**

4.1 The Council's Statement of Licensing Policy expects applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be maintained to:

- (1) reduce or prevent crime and disorder on, and in the vicinity of, their premises, relevant to the individual style and characteristics of their premises and events;
- (2) ensure public safety, relevant to the individual style and characteristics of their premises and events;
- (3) prevent public nuisance, relevant to the individual style and characteristics of their premises and events;

- (4) protect children from harm, relevant to the individual style and characteristics of their premises and events.

## 5 COMMUNITY IMPACT

- 5.1 The Act gives greater freedom to operators and users of premises, which is balanced by greater responsibilities for licensees and tempered by strengthened protection for the community.
- 5.2 The Licensing Act 2003 seeks to provide public protection by way of the four licensing objectives.

## 6 DETERMINATION OF THE APPLICATION

- 6.1 In undertaking its statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003:

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

- 6.2 When determining an application for the review of a premises licence, due regard should be given to the Council's Licensing Policy and the Secretary of State's Guidance.

- 6.3 The committee in its determination can take one or more of the following steps as it considers appropriate for the promotion of the licensing objectives :

- to modify the conditions of the licence;
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 6.4 The hearing will be conducted in accordance with the approved Procedure and can be seen at **APPENDIX A** to this report.

### PROCEDURE FOR DETERMINATION OF APPLICATIONS MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 FOR THE REVIEW OF A PREMISES LICENCE

#### INTRODUCTION

- Meetings of the Licensing Committee, whether the full committee of 11 members or panels of 3 members drawn from the full committee, shall be held in public unless the Licensing Authority deems that it is not in the public interest to do so. Reasons for exclusion of the public must be given at the hearing by the Chairman of the committee. Determinations will be made in private at conclusion of the hearing but announced in public thereafter.
- All hearings convened will be heard by a panel (but still referred to as the Licensing Committee) of 3 members drawn from the full committee of 11. The quorum of the committee/panel is 3 members. Therefore, 4 members of the Licensing Committee will usually be invited to attend each hearing (i.e. one as a reserve), in case of one of those invited subsequently needing to tender an apology for absence or, on being informed of the details of the application or meeting the applicant or objector (or for some other reason), deciding that s/he possesses a personal and prejudicial interest in the matter that prevents him/her participating in the hearing. At the beginning of each committee/hearing a Chairman will be appointed by those members present unless the Chairman of the whole committee is present.
- Members of the committee shall endeavor to be present throughout an individual hearing. If a member of the committee is required to leave a hearing temporarily, the Chairman shall adjourn the hearing for the duration of the member's absence. If a member is not present for the whole of an item of business they will not be able to debate or vote on that item of business.
- Where a committee undertakes a site visit prior to a hearing, a member shall be precluded from taking part in the hearing if he/she has not attended that site visit.
  - (a) To avoid taking into account "local" factors that could influence improperly his/her judgement, a member cannot serve on the committee undertaking a hearing at which a matter is being discussed that relates to a Premises Licence, Club Premises Certificate, Temporary Events Notice or Personal Licence where either the premises are or the person is resident in the ward which that member represents on Fenland District Council.,

When selecting members to participate in a hearing, the Member Services team will ensure there is compliance with this requirement.

**NOTE:** All questions and statements will be directed through the Chairman.

- (1) The Chairman will, at the beginning of the meeting, welcome all those present and explain both the reason for the hearing and the procedure to be followed. He/she will also inform

## APPENDIX A – LICENSING PROCEDURES

attendees of any changes to committee membership (if any) since publication of the Notice of Meeting. He/she will also seek confirmation that everyone present has received this procedure and the “what you need to know” document.

- (2) The Chairman will introduce to all present the members of the committee.
- (3) The Chairman will then introduce and explain the respective roles of
  - (i) the Legal Adviser to the committee
  - (ii) the Clerk to the committee
  - (iii) the officer representing the Licensing Authority (“the Licensing Officer”).
- (4) The Chairman will invite those present to introduce themselves (i.e. to give name and address and explain whether applicant for the premises review, responsible authority representative, premises licence holder, witness or interested party such as a local resident or business owner) and ask them to indicate if they wish to speak during the hearing.
- (5) Each party will be asked by the Chairman for a time estimate for the presentation of his/her/body’s case. After hearing all estimates, the committee will allocate each party an equal amount of time to speak.
- (6) The Licensing Officer will outline the case, by presenting the report which refers to the application for the review of the premises licence and the licensable activities, days and hours of operation, granted on the existing licence.
- (7) The Chairman will invite members of the committee to ask relevant questions to clarify the content of the Licensing Officer’s report.
- (8) The Chairman invites the applicant (or his/her representative) to put the case in support of the application to review the premises licence.
- (9) The applicant to be invited to call any witness(es) (if any) to give evidence in support of his/her case.
- (10) Once the applicant has presented his/her case, the Chairman invites questions to the applicant or his/her representative from
  - (1) the premises licence holder(s) (or their representative);
  - (2) other responsible authorities (or their representatives);
  - (3) interested persons (or their representatives);
  - (4) members of the committee.
- (11) The Chairman will invite questions to the witnesses (if any) from
  - (1) the premises licence holder(s) (or their representative);
  - (2) responsible authorities (or their representatives);
  - (3) interested persons (or their representatives);
  - (4) members of the committee.
  - a. **questions must be relevant to the application and written representations already received;**
  - b. **no new objections may be raised;**
  - c. **repetition will be discouraged by the Chairman; and**



## APPENDIX A – LICENSING PROCEDURES

**d. no supporting evidence may be introduced unless agreed by the Chairman and all parties to the hearing.**

- (12) Each of the interested persons (or their representatives) wishing to address the committee may do so in an order determined by the Chairman, which should **allow the responsible authorities before any local objectors**. They too must be willing to be questioned by other parties in the same order. Local objectors may not, however, question each other.

This will operate as follows:

- each party will present his/her/body's case.
  - each party's witnesses (if any) will give evidence in support of the party's case.
  - firstly, each party and, secondly, their witnesses may be questioned by the other interested parties, prior to questioning by members of the committee.
- (13) The premises licence holder(s) (or their representative) is invited to present his/her/their case and to ask relevant questions of those parties (or the parties' representatives).
- (14) The Chairman then invites the applicant for the review of the premises licence, responsible authorities and interested persons (or their representatives) to sum up their case. They may comment upon what has been said but no new evidence should be introduced. Each party will be allowed 5 minutes to sum up.
- (15) The Chairman then invites the premises licence holder(s) (or their representative) to sum up the case. He/she may comment upon what has been said but no new evidence should be introduced. He/she will be allowed 5 minutes to sum up.
- (16) The Chairman seeks confirmation from all parties that they are satisfied that they have said all that they wished to.
- (17) The Chairman will then thank all those who have spoken and invite the committee to retire in private to determine the application. The committee members will then debate the case presented to them at the hearing and seek to reach a determination. When the committee has reached a proposed determination with reasons or has decided to defer a determination, it shall call in the Legal Adviser to clarify the proposed determination/decision.
- (18) Once a determination/decision has been reached, the committee will return to the room and the Legal Adviser will announce in public any legal advice that he/she has given in private.
- (19) The Chairman will read out the determination and the reasons for such (unless the committee is unable to reach a determination at conclusion of the hearing).
- (20) If the committee is unable to reach a determination at that time, the Chairman will explain that all interested parties will be notified as soon as possible in writing (but within 5 working days) of the determination and the reasons for such.

### NOTES

- (A) A decision may be deferred to:
- receive further documentation referred to in the meeting
  - enable a site visit to take place
  - invite the applicant (or his/her representative) to appear if he/she had not done so at the meeting (only once).

## APPENDIX A – LICENSING PROCEDURES

- (B)
- No further debate may be heard on further documentation or at a site visit
  - Adjournments should generally be granted if to refuse would deny the applicant a fair hearing.

## APPENDIX B

### 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 Andrew Fayers

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

#### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> March Express 4 Station Road March	
<b>Post town</b> March	<b>Post code (if known)</b> PE15 8LB

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>  Sandra Aksenciute
--

<b>Number of premises licence or club premises certificate (if known)</b> 17/0840/LAPRE
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#### Part 2 - Applicant details

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Andrew Fayers Trading Standards Officer Cambridgeshire and Peterborough Trading Standards Service PO Box 450 Gt Cambourne Cambridge CB23 6ZR
Telephone number (if any) 01954 284622
E-mail address (optional) andrew.fayers@cambridgeshire.gov.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 | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

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

This application for a review of the premises licence for March Express 4 Station Road, Wisbech is being submitted as Trading Standards state there have been clear breaches of the prevention of crime and disorder and the public safety licensing objectives at the premises by virtue of the storage and sale of illicit tobacco. From information received about illicit tobacco being sold, test purchases of illicit tobacco were made the premises known as March Express 4 Station Road, March. The products test purchased were one packet of Marlboro gold cigarettes on the 11 October 2018 and another packet of Marlboro Gold cigarettes on the 7 November 2018. The test purchases did not comply with the Tobacco and Related Products Regulations 2016 and The Standardised Packaging of Tobacco Products Regulations 2015. This means that the product was not intended for the UK market and non-duty paid. Manufacturing standards cannot therefore be verified. On these two occasions the seller was not the same person.

The tobacco test purchases are non-duty paid and infringe Customs and Excise Legislation.

Following numerous pieces of information about March Express selling illicit tobacco the premises were visited on the 20 November 2018. No illicit tobacco was found. The shop assistant was unaware how the CCTV system. The camera in the store room was facing the back of the monitor so no picture was showing on the monitor. Rasa Jankauskaite who at that was the premises licence holder attended the shop and stated that she was no longer anything to do with the shop and that she had sold it via Facebook to someone called Sandra. She was unable to supply further details of the purchaser except that she was paying for the shop by instalments. A further test purchase of Marlboro Gold cigarettes was made on the 6 December 2018.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

The products test purchased were Marlboro Gold sold for £6, considerably cheaper than comparable genuine cigarettes.

Illicit cigarettes are often found to fail the RIP test. This is reduced ignition propensity which means that these illicit cigarettes will continue to stay alight even when not being smoked unlike genuine UK cigarettes which self-extinguish when not being smoked. Illicit tobacco is therefore more of a fire risk.



## APPENDIX C – POLICE SUPPORTING REPRESENTATION

Ref: Trading Standards Review – March Express



Creating a safer  
**Cambridgeshire**

Monday 24<sup>th</sup> December 2018

Michelle Bishop  
Licencing Officer  
Fenland District Council  
Fenland Hall  
County Road  
March  
PE15 8NQ

Dear Michelle,

Re: Trading Standards review application – March Express 4 Station Road PE15 8LB

On the 07<sup>th</sup> December 2018 Cambridgeshire Constabulary received notification of a Licencing review application submitted by Mr Andrew Fayers of Cambridgeshire & Peterborough Trading Standards Service. The review application refers to the 'Off' Licensed premises called 'March Express', 4 Station road, March, PE15 8LB. The Premises License reference 17/0840/LAPRE is now held by Sandra Aksenciute. The Designated Premise Supervisor is Mr Swarra Amin who holds an alcohol personal license reference PERS0118 issued by Fenland District Council.

The Premises License and Designated Premises Supervisor (DPS) was transferred over on 28<sup>th</sup> November 2018 to Aksenciute and Amin respectively. The Premises License allows for the sale of alcohol daily between 08:00hrs and 00:00hrs.

I am aware that two successfully Test Purchases have been conducted at this premises on 11<sup>th</sup> October 2018 and 7<sup>th</sup> November 2018, and I was personally involved in a visit on 20<sup>th</sup> November 2018. This visit did not yield any illicit cigarettes. However, it was established that there was no fit and proper DPS installed as the perceived Premises License Holder (PLH) and DPS had recently sold the business on line to Aksenciute. It was also established that the CCTV conditions, installed during a review hearing in 2017 for similar circumstances, were not being adhered to. The CCTV system was not effective and I believed cameras were pointing in areas that were not effective and that there was no camera at the front or rear of the shop. I issued the previous PLH – Jankauskaite - with a written formal warning and asked them to rectify the identified issues. The warning advised that the premises was being operated otherwise than in accordance with the premises license and any sale of alcohol would constitute a S136 offence – until the issues had been rectified.

On the 06<sup>th</sup> December 2018 I accompanied Trading Standards back to the premises, and following a further successful Test Purchase we proceeded to inspect the premises. Aksenciute, who was now the PLH was behind the till and her friend Swabo Amin helping out at the shop. The CCTV issue had not been rectified and you could clearly see that the sale of illicit cigarettes had taken place outside the view of cameras. No further cigarettes were found at the scene.

Cambridgeshire Constabulary fully support the ongoing operation and partnership with Trading Standards and HMRC in a positive effort to prevent and deter illicit / counterfeit cigarettes and alcohol being sold or supplied in Cambridgeshire.

We take a very serious view on the sale of illicit / counterfeit goods. This is a serious breach of the licencing objective to prevent crime and disorder, and does not promote public safety. Such crime has a detrimental effect upon the immediate community and can be harmful to unwitting customers including children. Foreign cigarettes and hand rolling tobacco are not subject to the strict regulation and control measures that would benefit UK authorised sale items and in most cases have not had UK duty paid on them. Distribution and sale of illicit / counterfeit goods is linked to serious and organised crime and nationally is a drain on the economy.

*Section 182 Guidance - Licensing Act 2003 Para 11.27 states –*

*“There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously”.*

*This includes amongst other criminal activity –*

*“The sale or storage of smuggled tobacco and alcohol”.*

*Para 11.28 states –*

*“It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered”.*

**Cambridgeshire Constabulary support Trading Standards with their review application and also ask for the Licensing Sub-Committee to seriously consider revoking the Premises licence held by SANDRA AKSENCIUTE.**



PC1572 Grahame Robinson  
Cambridgeshire Constabulary  
Police Licensing Officer (Northern)  
Partnership & Operational Support Team  
Thorpewood Police Station  
Peterborough  
PE3 6SD

[Tel:07921095030](tel:07921095030)

[Tel:01733424438](tel:01733424438)

Email: [grahame.robinson@cambs.pnn.police.uk](mailto:grahame.robinson@cambs.pnn.police.uk)



## APPENDIX D – COMPLIANCE HISTORY

DATE	Premises History
06/12/18	Review application submitted by trading standards and supported by the Police Licensing Officer
06/12/18	<p>Test Purchase carried out, illicit tobacco product Malboro Gold sold by staff member for £6.</p> <p>During the test purchase, Sandra Acscenciute the now Premises Licence Holder was behind the till with her staff member/friend Swabo Amin.</p> <p>The CCTV issue was still not rectified and was in breach of the Premises Licence Annex 3.</p>
23/11/18	Transfer Application received for Sandra Aksencuite T/A March Express Ltd to be the Premises Licence Holder with immediate effect.
23/11/18	<p>Application to Vary the DPS received to show the Designated Premises Supervisor as:</p> <p>Swarra Sherif Hamad Amin, 4 Dagless Way, March, Cambridgeshire PE15 8QY with immediate effect.</p>
20/11/18	<p>Following recent test purchases taking place and numerous intel received to Trading Standards a joint operation to visit the premises took place. No Illicit tobacco was found on site at this time.</p> <p>Breach of the Licensing Conditions on Annex 3 were noted as the staff did not know how to operate the CCTV system.</p> <p>Rasa Jankauskaite attended the premises and confirmed that she no longer had anything to do with the premises. According to Rasa she had sold the premises via Facebook to a lady called Sandra, no further details given.</p>
20/11/18	Police issue warning to Rasa Jankauskaite to rectify the issue of having no DPS in line with legislation and also being in breach of conditions mainly CCTV. This CCTV condition was added at the previous hearing that took place on 24.11.2017
07/11/18	Test Purchase carried out, Illicit tobacco product Malboro Gold sold by staff member
11/10/18	Test Purchase carried out, Illicit tobacco product Malboro Gold sold by staff member
24/11/17	Licensing Committee Hearing held to review the premises licence. A copy of this decision notice can be seen at <b>APPENDIX G.</b>
30/09/17	Police Licensing Officer – Pc Richardson visit on 30 September, a lone worker Mr Zada was covering for the DPS. He confirmed to the police that he had not been trained to sell

## APPENDIX D – COMPLIANCE HISTORY

	<p>alcohol and no record of this was available onsite. However Mr Zada said he had sold alcohol on this day between 10:15am – 11:00am. This is a breach of Annex 3, Condition 4, There shall be training records of staff maintained on the premises, and available for police/authorised officer on request.</p>
27/11/17	<p>Trading Standards Officers visited the premises to execute a warrant following numerous intelligence received regarding the supply of illicit cigarettes. On this occasion no sale was made but 14,000 illicit cigarettes were seized from a vehicle registered to the same address as the Premises Licence Holder.</p> <p>During this time some of the seized items were NZ &amp; Mayfair brands.</p> <p>The Premises Licence Holder was behind the counter and was asked to show Trading Standards Officer some CCTV footage. It was apparent that licensing conditions in Annex 3, namely Condition 3, CCTV shall be maintained and operated within the premises recording 31 days of footage and be made available to the police or authorised person on request, and be supplied in a readily transportable media; was not being complied with as there was no disc in the machine.</p>
24/07/17	<p>Application received to show Rasa Jankauskaite as both the Premises Licence Holder and designated Premises Supervisor.</p>
	<p>As a result of the visits in December &amp; February, an application for review was made, however no hearing took place due to a transfer application received on 9 March 2017 to the current Premises Licence Holder Rasa Jankauskaite.</p>
21/03/17	<p>On 21st March 2017, a further visit was made to the premises and the sniffer dog indicated tobacco had been in the premises</p>
09/02/17	<p>Trading standards Officer visited the premises and was unable to establish who the Designated premises Supervisor was and no one at the premises were able to operate the CCTV showing a clear breach of the Licensing Act 2003</p>
15/12/16	<p>Trading Standards Officers visited the premises to execute a warrant following the sale of illicit cigarettes, during this time the seized items were NZ &amp; Mayfair brands.</p>

# APPENDIX E – COMPANIES HOUSE CHECK

The screenshot shows the Companies House website for MARCH EXPRESS LTD. The browser address bar shows the URL https://beta.companieshouse.gov.uk/company/11652148. The page header includes the Companies House logo and a 'BETA' notice. A search bar is present, and the company name 'MARCH EXPRESS LTD' is displayed prominently. Below the name, the company number '11652148' is shown, along with buttons for 'Follow this company' and 'File for this company'. Navigation tabs for 'Overview', 'Filing history', and 'People' are visible. The 'Overview' tab is selected, showing the registered office address: 'March Express, 4, Station Road, March, Cambridgeshire, United Kingdom, PE15 8LB'. The company status is 'Active'. The company type is 'Private limited Company' and it was incorporated on '31 October 2018'. Below this, there are sections for 'Accounts' (first accounts made up to 31 October 2019 due by 31 July 2020) and 'Confirmation statement' (first statement date 30 October 2019 due by 13 November 2019). The 'Nature of business (SIC)' is listed as '47110 - Retail sale in non-specialised stores with food, beverages or tobacco predominating'. A footer contains links for 'Policies', 'Cookies', 'Contact us', and 'Developers'.

Companies House

**BETA** This is a trial service — your [feedback](#) will help us to improve it. [Sign in / Register](#)

## MARCH EXPRESS LTD

Company number **11652148**

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Registered office address  
**March Express, 4, Station Road, March, Cambridgeshire, United Kingdom, PE15 8LB**

Company status  
**Active**

Company type **Private limited Company** Incorporated on **31 October 2018**

**Accounts**  
First accounts made up to **31 October 2019**  
due by **31 July 2020**

**Confirmation statement**  
First statement date **30 October 2019**  
due by **13 November 2019**

**Nature of business (SIC)**  
47110 - Retail sale in non-specialised stores with food, beverages or tobacco predominating

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# APPENDIX E – COMPANIES HOUSE CHECK

https://beta.companieshouse.gov.uk/company/11652148/officers IDOX EDRMS, User 10983 MARCH EXPRESS LTD - Offi... x

Companies House

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## MARCH EXPRESS LTD

Company number **11652148**

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[Officers](#) [Persons with significant control](#)

**Filter officers**

Current officers

**2 officers / 0 resignations**

[AKSENCIUTE, Sandra](#)

Correspondence address  
**March Express, 4, Station Road, March, Cambridgeshire, United Kingdom, PE15 8LB**

Role	<b>ACTIVE</b>	Appointed on
<b>Secretary</b>		<b>31 October 2018</b>

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[AKSENCIUTE, Sandra](#)

Correspondence address  
**March Express, 4, Station Road, March, Cambridgeshire, United Kingdom, PE15 8LB**

Role	<b>ACTIVE</b>	Date of birth	Appointed on
<b>Director</b>		<b>March 1988</b>	<b>31 October 2018</b>

Nationality	Country of residence	Occupation
<b>Lithuanian</b>	<b>United Kingdom</b>	<b>Director</b>

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# APPENDIX F – CURRENT PREMISES LICENCE

## Part A

### Premises Licence

The Licensing Authority, Fenland District Council  
Fenland Hall, County Road, March  
Cambridgeshire, PE15 8NQ. Tel: 01354 654321

**Premises Licence Number**

18/1429/LAPRE1

**Premises Licence valid from**

28th November 2018

#### Part 1 – Premises Details

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

March Express Ltd  
4 Station Road  
March  
Cambridgeshire  
PE15 8LB

**Telephone number:**

**Where the licence is time limited the dates**

Not Applicable

**Licensable activities authorised by the licence**

Sale by Retail of Alcohol - Off the Premises

**Times the licence authorises the carrying out of licensable activities**

**Sale by Retail of Alcohol - Off the Premises**

Monday to Sunday 08:00 hrs to 23:00 hrs

**Non-Standard Timings**

None Prescribed

**The opening hours of the premises**

Monday to Sunday 08:00 hrs to 00:00 hrs

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

Alcohol is supplied for consumption off the Premises

**Part 2**

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

March Express Ltd  
4 Station Road  
March  
Cambridgeshire  
PE15 8LB  
Email: sandraitze@gmail.com

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

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

Mrs Rasa Jankauskaite  
3 Museum Square  
Wisbech  
Cambridgeshire  
PE13 1ES

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

PERS 1118  
Fenland District Council

**Premises Licence issue date: 12th December 2018**

.....Michelle Bishop  
ON BEHALF OF FENLAND DISTRICT COUNCIL

## Annex 1 – Mandatory Conditions

### Premises Licence (Off Sales of alcohol only)

1. Under Section 19(2) of the Licensing Act 2003, no supply of alcohol shall be made under this premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark, or an ultraviolet feature.
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption off the premises for a price which is less than the permitted price. For the purposes of this condition:
  - \* "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - \* "permitted price" is the price found by applying the formula -  $P = D + (D \times V)$  where:
    - \* P is the permitted price;
    - \* D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and
    - \* V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - \* "relevant person" means the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, or the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - \* "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

The permitted price must be rounded up to the nearest penny.

A change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

**Annex 2 – Conditions consistent with the Operating Schedule**



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

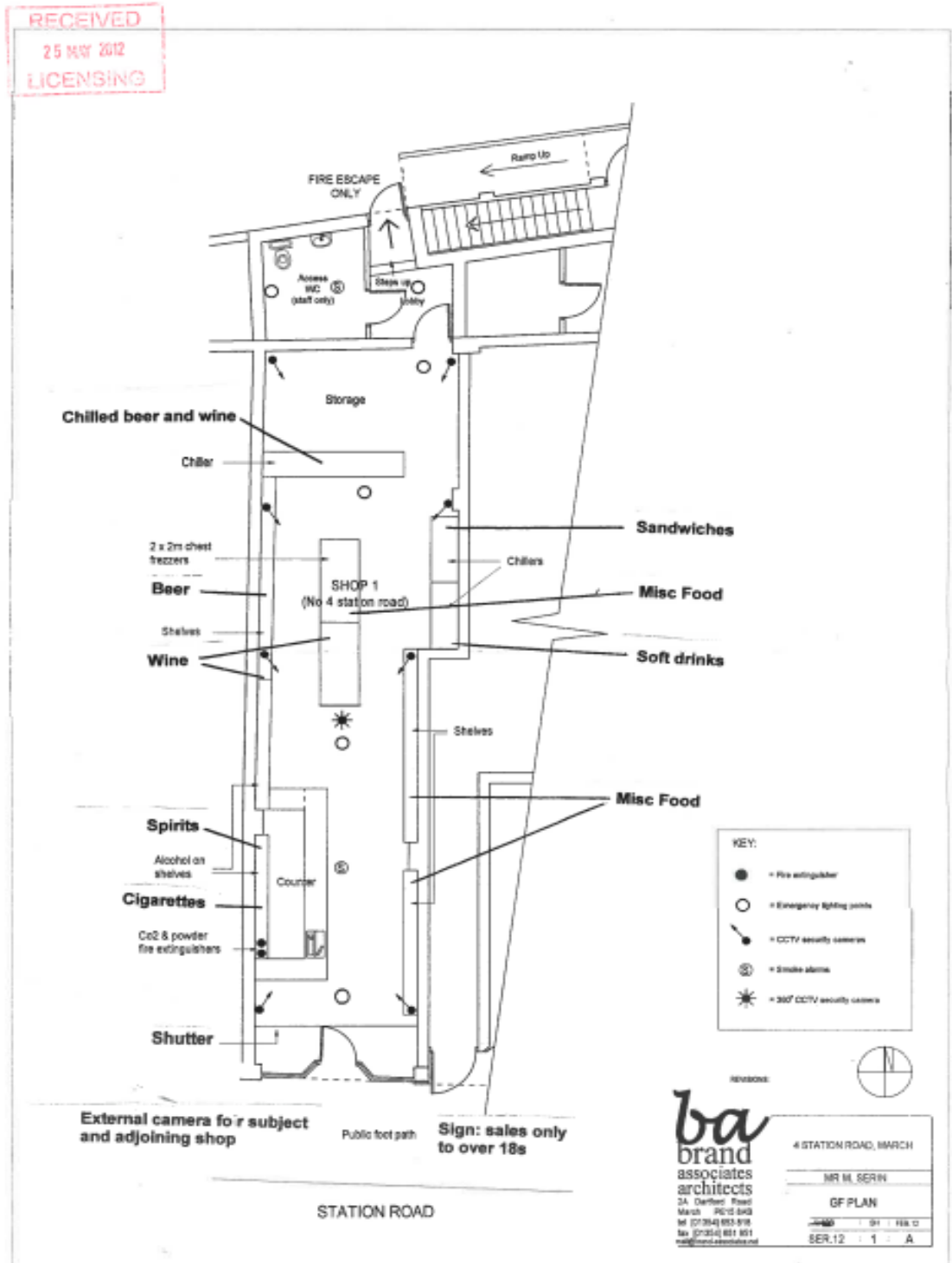
Licensing Committee decision from a hearing held on 18 July 2012 granted the licence with the following conditions:

1. The hours of the supply of alcohol for consumption off the premises be 08:00 hours to 23:00 hours Monday to Sunday;
2. Condition removed by Minor Variation application dated 22 April 2013
3. CCTV shall be maintained and operated within the premises recording 31 days of footage and be made available to the police or authorised person on request, and be supplied in a readily transportable media;
4. There shall be training records of staff maintained on the premises, and available for police/authorised officer on request;
5. There shall be a record of incidents and refusals maintained on the premises and available for police/authorised officer on request;
6. The age verification policy shall be the Challenge 25, while such a scheme is in operation;
7. Condition removed by Minor Variation application dated 22 April 2013

Licensing Committee decision following a Review Hearing held on 24 November 2017, the licence was suspended for a period of 6 weeks from 21/12/2017 to 01/02/2018 with the following conditions attached to the licence.

8. In addition to the current CCTV requirement on Annex 3, a comprehensive CCTV coverage to be installed covering the front, rear room and rear entrance(including the rear door) to be installed within 6 weeks
9. Adequate training of staff to be undertaken within 6 weeks, written records to be maintained on the premises and readily available for an authorised officer to inspect on request.

Annex 4 – Plans



## SUPPLEMENTARY EVIDENCE PRODUCED BY TRADING STANDARDS

Supplementary information by Andrew Fayers of Cambridgeshire and Peterborough Trading Standards Service to the licence review of March Express (PL number 17/0840/LAPRE ) dated the 6<sup>th</sup> December, submitted by Andrew Fayers of Cambridgeshire and Peterborough Trading Standards Service.

On the 11 January at 21.20 hours I (Andrew Fayers) entered the premises of March Express, 4 Station Road, March. I entered with a Trading Standards colleague (Annamarie Scott-Coomber) and 2 police officers through the front door whilst a Trading Standards Officer (Kirsty Draycott) and Police Officer waited around the back of the shop. When I entered, a shop worker was present at the till. I introduced myself and then I was joined by Kirst Draycott carrying a box containing illicit tobacco, and Swarra Amin, (the DPS), and a the police officer came from the back of the shop towards where I was standing near to the till as well. Swarra Amin had been seen exiting the shop premises from the back door and attempting to hide the box containing the illicit tobacco between some bins just outside the back door. The tobacco was seized and removed from the premises. I asked for a copy of the CCTV from the night but Swarra Amin stated that he had not got any DVD's to make a recording. I seized the recorder and this was also removed from the premises. It did appear that not all cameras were working and the camera in the back store was behind the monitor, so did not show a picture.

This box contained cigarettes and hand rolling tobacco were not labelled in compliance with UK labelling laws namely Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Regulations 2015. These products are also non-duty paid. Included in the seized tobacco was Marlboro Gold, the same brand as the recent test purchases. Also amongst the seized tobacco was suspected counterfeit (fake) Amber Leaf hand rolling tobacco and counterfeit (fake) Richmond cigarettes. It is likely that the cigarettes would fail the reduced propensity test and therefore not self-extinguish if not smoked.

Amounts seized:

Hand Rolling Tobacco 2900g

Cigarettes 5600 sticks

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