



Wednesday, 19 November 2014

LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

Thursday, 27 November 2014

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Addis

Councillor Bent

Councillor Brooksbank

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

Kay Heywood, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207026

Email: governance.support@torbay.gov.uk

www.torbay.gov.uk

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 1 - 8)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 6 November 2014.
4. **Declarations of interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**
To consider any other items that the Chairman decides are urgent.
6. **Licensing Act 2003 – An application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of The Polish Shop, 9 Market Street, Torquay TQ1 3AF** (Pages 9 - 37)
To consider an application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of The Polish Shop, 9 Market Street, Torquay TQ1 3AF.

7. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of The Polish Shop, 9 Market Street, Torquay TQ1 3AF

(Pages 38 - 109)

To consider an application for a Variation to a Premises Licence in respect of The Polish Shop, 9 Market Street, Torquay TQ1 3AF.



Minutes of the Licensing Sub-Committee

6 November 2014

-: Present :-

Councillors Addis, Ellery and Bent

16. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

17. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Bent instead of Councillor Doggett.

18. Minutes

The Minutes of the meeting of the Sub-Committee held on 11 September 2014 were confirmed as a correct record and signed by the Chairman.

19. Licensing Act 2003 – An application for a Review of a Premises Licence for Rock Garden, 40-44 Swan Street, Torquay TQ2 5EZ

Members considered a report on an application for a Review of a Premises Licence for Rock Garden, 40-44 Swan Street, Torquay TQ2 5EZ.

Members noted that the application had been properly made and that the Applicants are Interested Parties and that the administrative requirements of Section 51 (3)(a) and (b) had been met and that the Representation had not been subsequently withdrawn and was not vexatious, frivolous or repetitious.

The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
The Applicant	Application for a Review in relation to the Licensing Objective 'The Prevention of Public Nuisance' and a log of complaints.	15 September 2014
Public Protection	Representation in relation to the Licensing Objective 'The Prevention of Public Nuisance' and a chronology of noise complaints and interventions.	10 October 2014
Interested Party	Representation in relation to the Licensing Objective 'The Prevention of Public Nuisance.'	10 October 2014
Solicitor on behalf of Licence Holder	Statement from Premises Licence Holder	9 October 2014
The Police	Statement from Devon & Cornwall Police.	1 October 2014
Future Technical Solutions Limited	Witness Statement submitted by Respondent	Circulated as late paper 3 November 2014

Members noted that there had been no additional Representations received from any other Responsible Authority or any other Interested Party and that although the Police had considered the application and had made a Statement, they were satisfied that the Premises currently met the Licensing Objectives 'The Prevention of Crime and Disorder,' 'The Protection of Children from Harm' and 'The Promotion of Public Safety' and therefore did not make a Representation.

The Senior Solicitor for the Local Authority informed the Respondent, Applicant, Responsible Authority and Interested Party that Members had attended a site visit at the premise on the 5th November 2014 to familiarise themselves with the layout. During that visit, Members did not engage in any communication with any one other the Local Authority's Senior Solicitor who was also present.

The Senior Licensing Officer advised Members that a DVD of video footage and photographs were submitted with the Review Application. Copies of colour photographs which had appeared in black and white in the submitted report were circulated and Members viewed excerpts of the video footage.

Request to extend the time for Oral Representations:

The Chairman agreed to the request from the Applicant and Public Protection to allow 20 minutes for Oral Representations. In doing so, each party were advised that they also will be permitted 20 minutes should they chose to require this time.

Oral Representation received from:

Name	Details
The Applicant	The Applicant outlined the case, as set out in their submitted documents and responded to Members questions.
Public Protection	The Public Protection Officer outlined their Representation, as set out in the submitted documents, responded to Members questions.
Interested Party	An Interested Party outlined their Representation, as set out in the submitted documents and responded to Members questions.
The Respondent's Legal Representative	The Respondent's Legal Representative outlined their case, responded to the submissions made by each Party and responded to Members questions.

The Applicant advised Members of the reasons for calling for a Review of the Premise Licence

Respondent's response to Representation:

The Respondent's Legal Advisor advised Members that the Premise Licence Holder had worked with the Council's Public Protection Officers in an attempt to address the issues and engaged the services of a sound expert. Remedial works had been undertaken, some untested, which had proved to be unsuccessful. That there was no known immediate solution and any further measures would be untested at great time and expense to his client.

The Respondent's Legal Advisor further advised Members that a Condition should be imposed for the Beer Garden to close at 9.30pm.

Decision:

Following the application for a Review of a Premises Licence, in respect of Rock Garden, 40-44 Swan Street, Torquay TQ2 5EZ, Members resolved to modify the conditions as follows:

1. The premises beer garden shall cease to be used by all persons at 9pm.
2. A Management scheme shall be in place to ensure that the beer garden is emptied of all persons and glasses by 9pm.
3. There should be a minimum of 5 prominent, clear and legible notices displayed within the beer garden stating that patrons are required to respect neighbours by keeping noise to a minimum and that any noisy or disorderly patrons will be asked to leave the beer garden.
4. A Management Scheme shall be in place to ensure compliance of that stated within the notices in the beer garden.
5. The fabric of the lobby at the entrance to the premise and the entrance to the beer garden must be of an acoustic material to reduce noise outbreak from the premise. The proposed material must be approved by Officers of the Council's Public Protection Team and works completed by the 6th January 2015.
6. A Management Scheme must be in place to ensure that both sets of the lobby doors are not open at the same time after 9pm.
7. After 9pm the designated smoking area shall be at the front of the premises. This area should be clearly defined as the designated area and the numbers of people using this area should be limited to 10 people.
8. A Management Scheme shall be in place to ensure that the maximum number of 10 people using the designated smoking area after 9pm shall be maintained at all times.

The following Conditions contained within Annex 3 under the heading 'The Prevention of Public Nuisance have been amended, as follows:

Condition 6 shall now read:

The placing of refuse, such as bottles, into receptacles outside the premises must take place between 9am and 9pm to prevent disturbance to nearby properties.

Condition 7 shall now read:

Deliveries of kegs, bottles, food or other materials necessary for the operation of the business must be carried out between 9am and 9pm and in such a manner as to prevent nuisance and disturbance to nearby residents.

Condition 8 shall now read:

To reduce noise breakout, doors and windows must be kept shut during the playing of amplified music. A Management Scheme shall be in place to ensure this situation remains.

Condition 15 shall now read:

The handling of beer kegs, bottles and other similar items must not take place between 9pm and 9am outside the building or in the beer garden.

Condition 16 shall now read:

Bottle skips and bins containing cans or bottles shall not be emptied outside after the premises closes but will be dealt with the next day between 9am and 9pm.

Condition 17 shall now read:

The movement of bins and rubbish outside the premises shall not take place between 9pm and 9am. This will help to reduce the levels of noise produced by the premises.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members found on the evidence before them that noise outbreak was emanating from this premise so as to cause a public nuisance to nearby residents and in doing so, the licensing objective 'The Prevention of Public Nuisance' was being undermined.

In addition Members resolved that evidence contained within the CCTV footage shown to them at the hearing clearly showed that the Premises Licence Holders current operational use of the premises was breaching a number of conditions on the current premises licence. This they found to be concerning and unacceptable and not what they would expect of responsible premises licence holder.

Whilst Members noted the ongoing efforts made by the Premises Licence Holder and Designated Premises Supervisor to resolve the complaints and concerns of Interested Parties and the Responsible Authority, they concluded that there had been unacceptable levels of delay by the Premises Licence Holder to resolve the known issues whilst continuing to operate the premise in a way that was causing a public nuisance.

In support of their findings, Members were concerned to note that despite the ongoing engagement with the Local Authority's Licensing and Public Protection Officers, less than 2 months after the application for a review of the premises was submitted and prior to the hearing taking place, the Premises Licence Holder was served with a noise abatement notice on the 7 October 2014, in respect of voices from patrons using the beer garden at the premises.

In response to the submissions by the Respondent's Legal Representative that the premises is located in a vibrant area and within the town cumulative impact area so residents should expect some level of disturbance, Members found the Applicants and the Interested Party present at the hearing to be reasonable in their toleration of living in such an area and that the current level of noise coming from the premises beer garden, would and did as submitted by the residents, have a detrimental impact which is disproportionate and unacceptable.

Members in coming to their decision gave careful consideration to prohibiting the use of the beer garden altogether, having heard from both the Public Protection Officer present and the Respondent and his Legal Representative that there was no immediate solution to the noise break out, given the premises geographic location and fabric surroundings and that any future efforts were not guaranteed and would take time to explore and could be at a considerable cost.

However when examining and balancing the cause of concerns identified in the application and representations, the times where noise complaints were mostly identified, the premises need to survive as a viable business to that of the residents' right to peaceful enjoyment of their homes and the Council's Licensing Statement of Principles 2011, Members concluded to appropriately modify the current premises licence as set out in their decision, having in mind that the abatement notice would also act as a guard to protect nearby residential properties until such time that a measurable solution can be found.

20. Exclusion of the Press and Public

Upon advice from the Council's Senior Solicitor, prior to consideration of the item in Minute 22, Members resolved that it was in the public interest not to exclude the press and public from the meeting, as the information contained within the report had been reported by the local newspaper and therefore was already in the public domain. Some personal details were agreed to be redacted from the report.

21. Licensing Act 2003 – An application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of Preston Cue Club, 3 Manor Corner, Manor Road, Paignton TQ3 2JB

Members considered a report for an application for a Variation to a Premises Licence to specify an individual as the Premises Supervisor in respect of Preston Cue Club, 3 Manor Corner, Manor Road, Paignton TQ3 2JB.

Written Representations received from:

Name	Details	Date of Representation
The Police	Representation received in respect of the exceptional circumstances of the case that granting the application would undermine the Crime Prevention Objective.	9 October 2014

The Senior Licensing Officer advised Members that the Applicant had been informed that the Committee was taking place but had advised that the proposed Designated Premise Supervisor would be attending on their behalf.

Oral Representation received from:

Name	Details
The proposed Designated Premise Supervisor	The proposed Designated Premises Supervisor outlined the application, as set out in the submitted documents, explained to Members the personal reasons surrounding his conviction and his experience, and responded to Members questions.
The Police	The Police highlighted their concerns in respect of the application and responded to Members questions.

Additional Information:

The proposed Designated Premise Supervisor explained to Members the personal reasons surrounding his conviction.

Decision:

That the application for a Variation to a Premises Licence to specify an individual as the Premises Supervisor in respect of Preston Cue Club, 3 Manor Corner, Manor Road, Paignton TQ3 2JB be refused.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members noted the mitigating circumstances around the conviction but resolved that the proposed Designated Premises Supervisor did not in their opinion display a responsible attitude to alcohol by driving a car when he was four times over the drink drive limit and as such, they could not be satisfied that he was a suitable person to be the Designated Premises Supervisor of a Licensed Premises.

Chairman/woman

Agenda Item 6



Briefing Report Public Agenda Item: Yes
No:

Title: Licensing Act 2003 – An application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of The Polish Shop, 9 Market Street, Torquay TQ1 3AF

Wards Affected: **Tormohun**

To: **Licensing Sub - Committee** On: **27th November 2014**

Contact Officer: **Mandy Guy**
Telephone: **01803 208124**
E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premises detailed above. The application relates to a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor in respect of which a Notice has been received from the Chief Officer of Police, stating that the Crime Prevention Objective would be undermined if the application is granted. The Premises is situated within the Cumulative Impact Area.
- 1.2 The Sub Committee must consider the effects of the application against all the Corporate Priorities within the Community Plan.
- 1.3 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. A decision must be made either:-
 - (a) to grant the application or,
 - (b) having regard to the notice, reject the application if it is considered that it is necessary for the promotion of the crime prevention objective to do so.
- 1.4 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant, the proposed Premises Supervisor and the Police on determination of the matter.
- 1.5 Where a Premises Licence has been issued under the Act to permit regulated activities to be provided at any Premises, one of which is the supply of alcohol, it is necessary for the holder of the Licence to also designate a Premises Supervisor. This can be the holder of the Licence or another person. In the latter case, the individual concerned must consent to the application being made.

1.6 This application includes a request that the Variation applied for should take immediate effect.

2. Introduction

2.1 An application has been made under Section 37 of the Act for a Variation to a Premises Licence to Specify an individual as the Premises Supervisor at the Premises detailed above. Details of the application are shown in Appendix 1.

2.2 The Council as Licensing Authority, is satisfied that the Applicant has met the administrative requirements of Section 37(4) but is unable to grant the application as a Notice has been received from the Chief Officer of Police stating that exceptional circumstances are such that granting the application would undermine the Crime Prevention Objective. The Authority is also satisfied that such Notice has been received within the appropriate timescale and has not been subsequently withdrawn. Details of the Notice are shown in Appendix 2.

2.3 The Authority is required to conduct a hearing by the provisions of Section 39(3) unless all parties agree that this is not necessary.

2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representation and the procedure to be followed at the hearing.

2.5 If the application is refused, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the applicant.

2.6 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 5(2) of Schedule 5 to The Chief Officer of Police who had given an appropriate notice which was not withdrawn.

2.7 Following such Appeal, the Magistrates' court may:-
(a) dismiss the appeal,

(b) substitute for the decision appealed against any other decision which could have been made by the licensing authority, or

(c) remit the case to the licensing authority to dispose of it in accordance with the direction of the court,

(d) and may make such order as to costs as it thinks fit.

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1 A copy of the Application form.

Appendix 2 Details of the Representation received from the Police.

If the above appendices are not attached to this report, they can be viewed at Connections Offices in Torquay, Paignton and Brixham and Torquay, Paignton, Churston and Brixham Libraries. Copies can also be obtained from the Democratic Services Office, Town Hall, Torquay.

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2011.

SELMS0000 00988 223 1910

SRN 210768

Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

20 OCT 2014

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

COMMUNITY SAFETY

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 Pawel Puzelko and Krzysztof Lukasz Kaczmarczyk

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

1036

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description The Polish Shop 9 Market Street	
Post town Torquay	Post code (if known) TQ1 3AF
Telephone number (if any)	

Description of premises (please read guidance note 1) convenience store

Part 2

Full name of proposed designated premises supervisor

Krzysztof Lukasz Kaczmarczyk

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

EXE 001252

Full name of existing designated premises supervisor (if any)

Exeter City Council

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

The licence has not yet been issued

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

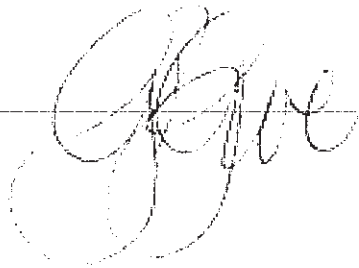
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....



Date 20 October 2014

.....

Capacity Solicitor

.....

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 4). **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 5)

Graham Gover Solicitor
10 Southernhay West

Post town

Exeter

Post Code

EX1 1JG

Telephone number (if any) 01392 423090

If you would prefer us to correspond with you by e-mail your e-mail address (optional) graham@grahamgover.co.uk

Guidance notes

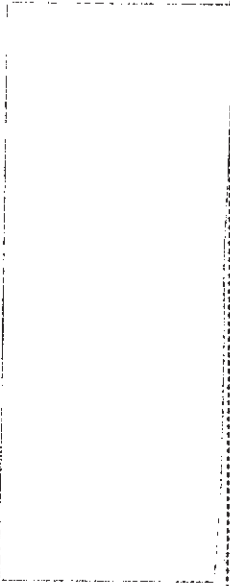
1. Describe the premises. For example the type of premises it is.
 2. The application form must be signed.
 3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
 5. This is the address which we shall use to correspond with you about this application.
-

Consent of individual to being specified as premises supervisor

KRZYSZTOF LUKASZ KACZMARCZYK

[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

VARIATION OF PREMISES LICENCE AS TO DPS

[type of application]

by

PAWEL PUZELKO AND KRZYSZTOF LUKASZ KACZMARCZYK

[name of applicant]

1036

relating to a premises licence

[number of existing licence, if any]

for

THE POLISH SHOP
9 MARKET STREET
TORQUAY
TQ1 3AF

[name and address of premises to which the applicant consents]

and any premises licence to be granted or varied in respect of this application made by

PAWEL PUZELKO AND KRZYSZTOF LUKASZ KACZMARCZYK

(name of applicant)

concerning the supply of alcohol at

THE POLISH SHOP
9 MARKET STREET
TORQUAY
TQ1 3AF

(name and address of premises to which application relates)

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

EXE.001252

(insert personal licence number, if any)

Personal licence issuing authority

EXETER CITY COUNCIL

(insert name and address and telephone number of personal licence issuing authority, if any)

Signature

Name (Please Print)

KRZYSZTOF LUKASZ KACZMARCZYK

Date

13/04



Devon & Cornwall Police
Building safer communities together

Licensing Team
Torbay Council
C/O Torquay Town Hall
Castle Circus
TORQUAY
TQ1 3DR

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

29 October 2014

Dear Sir/Madam

The Polish Shop, 9 Market Street, Torquay, Devon, TQ1 3AF

I refer to an application to Vary the Designated Premises Supervisor in respect of the above named premises, submitted by the applicants, Mr Puzelko and Mr Kaczmarcyk.

For your information, the Polish Shop currently has the benefit of Premises Licence Number PL0136 which was issued by Torbay Council on 4 December 2013.

This premise is situated within the Torbay Council Special Saturation Policy (Cumulative Impact Area) which has been identified as being subject to high levels of crime and disorder and public nuisance and it is also situated within the Torquay Designated Public Place Order.

This application has been submitted as a result of a visit to the premise on Thursday 25 September 2014 by my Police Licensing Officer, Mrs Julie Smart, and Mrs Karen Ellicott, Licensing Enforcement Officer of Torbay Council, in order that they could carry out a routine inspection. At that time they established that several types of lager/cider/beer with an abv of 5.5% or more were available for sale in breach of a condition contained on the premises licence. Whilst some of these bottles and cans indicated that they were 'premium' products, many others did not. It was further identified that the tills in use in the premise did not have a prompt system in respect of age related products as is also required by a condition on the premise licence. The person believed at that time to be the DPS, Mr Kaczmarcyk, was not present but Mrs Smart subsequently met with him on 1 October 2014. At that time Mr Kaczmarcyk

licensingeast@devonandcornwall.pnn.police.uk



stated that he was not aware of the conditions of the premises licence despite the licence having been granted to him on 4 December 2013 in line with an agreement between the police, Mr Kaczmarczyk, Mr Puzelko and their solicitor, Mr Graham Gover, regarding the inclusion of these conditions on the licence.

On 7 October 2014 the attached letters were sent to Mr Puzelko and Mr Kaczmarczyk.

However following the sending of these letters it was established that due to some technical difficulties an application to nominate a Joanna Gottfried as the DPS, received by Torbay Council on 22 October 2013, was not shown on the Public Register. Mrs Smart raised this matter with Mrs Ellicott of Torbay Council who in turn liaised with the Mr Gover in order to rectify this matter.

Mr Kaczmarczyk has now been nominated as DPS but it is apparent from the attached email from his solicitor, Mr Graham Gover, that he is also the DPS at a premise known as Pawalek Polish Shop in Exeter.

As the Polish Shop is situated within the CIA, the police consider it appropriate to ensure that the DPS of a premise within this area is actively involved in the day to day management and control of the premises, on a 'hands on' basis, and is focused solely on the issues around the management of the premise, to ensure that the premise is run in accordance with the licence and in a way that promotes the licensing objectives.

Furthermore as highlighted within my letters to the Premises Licence Holders on 7 October 2014, Mr Kaczmarczyk clearly had little or no knowledge of the requirements of the premises licence when discussing the matter with Mrs Smart on 1 October 2014, and this is unacceptable for any premise situated within the CIA.

The police therefore invite the Licensing Authority to refuse this application.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully



Superintendent G Mayhew
LPA Commander



Devon & Cornwall Police

Building safer communities together

Mr K L Kaczmarczyk
Designated Premises Supervisor
The Polish Shop
9 Market Street
TORQUAY
TQ1 3AF

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

07 October 2014

Dear Sir

The Polish Shop, 9 Market Street, Torquay, Devon, TQ1 3AF

I write to you in your capacity of Designated Premises Supervisor and Premises Licence Holder of the above named premise, which has the benefit of Premises Licence Number PL1036 issued by Torbay Council.

At about midday on Thursday 25 September 2014 my Police Licensing Officer, Mrs Julie smart, attended your premise in the company of Mrs Karen Ellicott, Licensing Enforcement Officer of Torbay Council, in order to carry out a licensing inspection.

During the course of this inspection they established that your premise had large quantities of bottles/cans of lager/cider/beer with an abv of 5.5% and above available for sale. This was pointed out to staff who, on the advice of Mrs Smart and Mrs Ellicott, removed these products from your shelves.

It was further established that the tills operating at your premises do not have a prompt when age-related products are scanned.

I would remind you of two conditions contained with your premises licence:

- 1. No super strength beers, lager or ciders of 5.5% abv or above shall be sold other than premium beers, lagers or ciders.*
- 2. The store shall operate a scanning till with a prompt when age-related products are offered for sale.*

I would remind you that failure to comply with the terms and conditions of a premises

julie.smart@devonandcornwall.pnn.police.uk

licence constitutes an offender under Section 136 of the Licensing Act 2003, and that a person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

Mrs Smart has informed me that she met with you at the premises at 9.00 am on Wednesday 1 October 2014 and discussed the above matters with you. Mrs Smart advised you that your premises are permitted to sell premium brands of beer, lager and cider with an abv of 5.5% or greater but the word 'premium' should be clearly stated on the label. She also advised you that your tills should have a prompt when any age-related product is scanned requiring staff to request an approved form of ID.

At that time you stated that you were not aware of the two conditions on the licence and it is therefore apparent that your premises may have been operating in breach of these conditions since the licence was granted to yourself in December 2013. I therefore request that you take immediate action to ensure that your premises fully comply with the licence requirements at all times.

Mrs Smart has also informed me that you will now consider applying for a variation to remove the condition regarding high strength beer, lager and cider from your licence. I would remind you that your premises are situated within the Torbay Council Cumulative Impact Area, which has been identified by the police as being subject to high levels of alcohol related crime. In addition, it is currently one of four premises within Torquay town centre that have similar restrictions on the sale of certain high strength alcohol products. Therefore, should such a variation application be submitted the police will object to the application. For further information on this matter, please refer to the Torbay Council Licensing Statement of Principles 2011, which is available from Torbay Council or on their website www.torbay.gov.uk.

As Designated Premises Supervisor and Premises Licence Holder I would remind you that it is your responsibility to ensure that your premises are run in accordance with the conditions on your premises, in a manner that promotes the licensing objectives and within the confines of the law at all times.

I must advise you that your premises will be monitored by my officers and should any further concerns come to my attention I will consider applying for a Review of your premises licence or a prosecution for any offences committed, but I hope that this will not be necessary.

A copy of this letter has been forwarded to the Torbay Council Licensing Team for their information.

Should you wish to discuss this matter further, please contact Mrs Smart on 01803 218900.

Yours faithfully

A handwritten signature in black ink, appearing to be 'G Mayhew', with a horizontal line extending to the right.

G Mayhew – Superintendent
LPA Commander – South Devon



Devon & Cornwall Police

Building safer communities together

Mr P Puzelko
11 Brownlow Street
PLYMOUTH
PL1 3RN

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

07 October 2014

Dear Sir

The Polish Shop, 9 Market Street, Torquay, Devon, TQ1 3AF

I write to you in your capacity of Premises Licence Holder of the above named premise, which has the benefit of Premises Licence Number PL1036 issued by Torbay Council.

At about midday on Thursday 25 September 2014 my Police Licensing Officer, Mrs Julie smart, attended your premise in the company of Mrs Karen Ellicott, Licensing Enforcement Officer of Torbay Council, in order to carry out a licensing inspection.

During the course of this inspection they established that your premise had large quantities of bottles/cans of lager/cider/beer with an abv of 5.5% and above available for sale. This was pointed out to staff who, on the advice of Mrs Smart and Mrs Ellicott, removed these products from your shelves.

It was further established that the tills operating at your premises do not have a prompt when age-related products are scanned.

I would remind you of two conditions contained with your premises licence:

- 1. No super strength beers, lager or ciders of 5.5% abv or above shall be sold other than premium beers, lagers or ciders.*
- 2. The store shall operate a scanning till with a prompt when age-related products are offered for sale.*

I would remind you that failure to comply with the terms and conditions of a premises licence constitutes an offender under Section 136 of the Licensing Act 2003, and that a

julie.smart@devonandcornwall.pnn.police.uk



person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

Mrs Smart has informed me that she met with your Designated Premises Supervisor, Mr Kaczmarczyk, at the premises at 9.00 am on Wednesday 1 October 2014 and discussed the above matters with him. Mrs Smart advised him that your premises are permitted to sell premium brands of beer, lager and cider with an abv of 5.5% or greater but the word 'premium' should be clearly stated on the label. She also advised him that your tills should have a prompt when any age-related product is scanned requiring staff to request an approved form of ID.

At that time Mr Kaczmarczyk stated that he was not aware of the two conditions on the licence and it is therefore apparent that your premises may have been operating in breach of these conditions since the licence was granted to yourself in December 2013. I therefore request that you take immediate action to ensure that your premises fully comply with the licence requirements at all times.

Mrs Smart has also informed me that you will now consider applying for a variation to remove the condition regarding high strength beer, lager and cider from your licence. I would remind you that your premises are situated within the Torbay Council Cumulative Impact Area, which has been identified by the police as being subject to high levels of alcohol related crime. In addition, it is currently one of four premises within Torquay town centre that have similar restrictions on the sale of certain high strength alcohol products. Therefore, should such a variation application be submitted the police will object to the application. For further information on this matter, please refer to the Torbay Council Licensing Statement of Principles 2011, which is available from Torbay Council or on their website www.torbay.gov.uk.

As Premises Licence Holder I would remind you that it is your responsibility to ensure that your premises are run in accordance with the conditions on your premises, in a manner that promotes the licensing objectives and within the confines of the law at all times.

I must advise you that your premises will be monitored by my officers and should any further concerns come to my attention I will consider applying for a Review of your premises licence or a prosecution for any offences committed, but I hope that this will not be necessary.

A copy of this letter has been forwarded to the Torbay Council Licensing Team for their information.

Should you wish to discuss this matter further, please contact Mrs Smart on 01803 218900.

Yours faithfully

A handwritten signature in black ink, appearing to be 'G Mayhew', with a horizontal line extending to the right.

G Mayhew – Superintendent
LPA Commander – South Devon


Force Licensing Team

 This Site: Force Licensing Tea



Force Licensing Team > Licensing Items > Polish Shop 9 Market Street Torquay

Licensing Items: Polish Shop 9 Market Street Torquay

 | | | | |

Item Type	Other
Prem Name	Polish Shop 9 Market Street Torquay
Date Rec'd	13/09/2013
Date Due	
Event Start Date	
Event End Date	
Submitting Officer	
Applicant Surname	Gover
Applicant First Name	Graham
Prem Street	9 Market Street
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	
Premises risk rating	Low
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	Please tel Agent Graham Gover acting on behalf of his client's who are Polish on 01392 423090. They would like advice on a New Premises Licence. They already have 4 premises and says experienced.
Comments	<p>DART Robin 54544 (04/10/2013 10:39): edit address to show new name of premises.</p> <p>SMART Julie 50403 (26/09/2013 11:17): 25/09/13 - Telephone discussion with Mr Gover re proposed application. He stated his clients currently have an off licence in Exeter, Exmouth and Taunton and are very experienced in the licensed trade. They propose to open a convenience store aimed primarily at the Polish community. He has made applicants aware that premises are within the CIA. I discussed the issue of street drinkers and recent licences issued to Savers and Morrisons. Mr Gover stated that he was aware of the Morrisons application and we ran through the conditions contained within the licence. He stated that his clients were also aware of these conditions and had indicated that they would be acceptable to them. In view of this I informed Mr Gover that providing his proposed application contains all the conditions we discussed, the police would not object to the application.</p> <p>SMART Julie 50403 (23/09/2013 13:09): 23/09/13 - Telephone message left for Mr Gover to ring me back. Mr Gover's mobile number is 07799 067709.</p>

DART Robin 54544 (13/09/2013 11:10):

Visit tasked NO

Status COMPLETE

LA Time Taken 3

LO Time Taken 60

Item Briefed

Representation/Objection

Hearing

Version: 4.0

Created at 13/09/2013 11:10 by DART Robin 54544

Last modified at 04/10/2013 10:39 by DART Robin 54544

SMART Julie 50403

From: Graham Gover [graham@grahamgover.co.uk]
Sent: 17 October 2013 10:23
To: SMART Julie 50403; Licensing East
Cc: carrie.carter@torquay.gov.uk
Subject: The Polish Shop, 9 Market Street, Torquay
Attachments: consent DPS joanna gottfried.pdf; ATT00001.htm

Categories: Purple Category

Dear Julie,

I received your telephone message from last week in which you raised your concerns about the proposed DPS being responsible for these premises, as well as Exeter and Exmouth.

The alternative proposal is to have Joanna Ewa Gottfried as the DPS, who will serve in that capacity exclusively in Torquay. She was the DPS at Cowick Street, Exeter. I have attached her consent form, and her phone number is 07523 629535 if you need to contact her.

I trust that this arrangement is acceptable to you.

Regards,

Graham Gover Solicitor LARTPI
10 Southernhay West Exeter EX1 1JG
TEL 01392 423090 | MOB 07799 067709 | WEB grahamgover.co.uk

Graham Gover Solicitor is the trading name of Graham Gover Limited
Regulated by the Solicitors Regulation Authority No. 599318

Graham Gover Ltd Registered office as above Registered in England 8008005 Director: Graham Gover

SMART Julie 50403

From: SMART Julie 50403
Sent: 21 October 2013 10:24
To: 'Graham Gover'; Carter, Carrie
Subject: RE: The Polish Shop, 9 Market Street, Torquay NOT PROTECTIVELY MARKED

Graham

Thanks for your email. I am pleased to confirm that now the part of the application that nominates Mr Kaczmarczyk as DPS has been withdrawn, the police will not be making representation in respect of your application for the Grant of a Premises Licence.

Your new application for Ms Gottfried to be appointed as DPS will be processed by the Licensing Hub at Headquarters in due course. If this application fails to meet the Hub's criteria, I shall of course notify you as soon as possible, but I do not anticipate any problems with this.

Regards

Julie Smart
Torbay Police Licensing Officer
Tel: 01803 218900

[Click on this to see all TENS in your area](#)

From 24 October 2011 Licensing Teams will be working within a new structure, please note our new contact details for all applications, correspondence and administrative functions:

Licensing Department (East), Devon and Cornwall Police HQ, Middlemoor, Exeter, Devon EX2 7HQ

Tel: 01392 452225

Fax: 01392 452447

Email: licensingeast@devonandcornwall.pnn.police.uk

From: Graham Gover [<mailto:graham@grahamgover.co.uk>]
Sent: 18 October 2013 13:47
To: Carter, Carrie
Cc: SMART Julie 50403
Subject: RE: The Polish Shop, 9 Market Street, Torquay

Dear Carrie,

Thank you for your email and I have attached the application to vary the licence as to DPS, in readiness for the time when the premises licence is considered and granted.

I therefore withdraw that part of the premises licence application that seeks Krzysztof Lukasz Kaczmarczyk to be the DPS.

I have sent a copy of the application to the police via this email, and I am posting the cheque for £23 this evening.

Regards,

Graham Gover Solicitor LARTPI

10 Southernhay West Exeter EX1 1JG

TEL 01392 423090 | MOB 07799 067709 | WEB grahamgover.co.uk

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Graham Gover Ltd Registered office as above Registered in England 8008005 Director: Graham Gover

SMART Julie 50403

From: Rackley, Shaun [Shaun.Rackley@torbay.gcsx.gov.uk]
Sent: 22 October 2014 09:20
To: SMART Julie 50403
Subject: RE: UNCLASSIFIED: The Polish Shop, 9 Market Street, Torquay RESTRICTED

Hello,

Joanne was meant to be the DPS but we never processed it on Lalpac.

Graham Gover has submitted a vary DPS application to name Kryztof (hopefully spelt correct) as the DPS. Brad processed this, so he should have copied you into this.

Cheers

Shaun

Shaun Rackley
Licensing Enforcement Officer
Torbay Council,
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel:-01803 208025
Fax:-01803 208854

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Food Safety and Licensing
@TorbayFSL

TORBAY
COUNCIL

Community Safety
Tel: 01803 208025 www.torbay.gov.uk/licensing

From: Julie.SMART@devonandcornwall.pnn.police.uk [mailto:Julie.SMART@devonandcornwall.pnn.police.uk]
Sent: 21 October 2014 14:09
To: Ellicott, Karen; Rackley, Shaun
Subject: FW: UNCLASSIFIED: The Polish Shop, 9 Market Street, Torquay RESTRICTED

Karen/Shaun

Please can you provide me with an update re the below. Who is actually the DPS at this premise? I think it should be Joanne but from the below I'm not certain that she is actually at the premise. Have you received any further communication from Graham Gover as I haven't heard from him.

I am in the process of trying to write our objection but this is proving difficult due to the above issue.

Regards

Julie

From: Ellicott, Karen [<mailto:karen.ellicott@torbay.gcsx.gov.uk>]
Sent: 10 October 2014 16:39
To: 'Graham Gover'
Cc: SMART Julie 50403; Rackley, Shaun
Subject: RE: UNCLASSIFIED: The Polish Shop, 9 Market Street, Torquay

Hi Graham,

I think you may need to speak to Julie Smart as it was the Police who were not happy with Kris being the DPS at Exeter, Exmouth and Torbay.

However, as the Vary DPS was granted for Joanne, that process will have to be completed on our system. If Joanne is no longer at the premises or Julie agrees to Kris now becoming the DPS, another application will be required.

I am on leave from today but my colleague, Shaun Rackley, is aware of the situation.

Kind regards

Karen

Karen Ellicott
Licensing Enforcement Officer, Licensing & Public Protection Team, c/o Town Hall, Castle Circus, Torquay TQ1 3DR
Tel: 01803 208025
Email: karen.ellicott@torbay.co.uk

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Food Safety and Licensing
@TorbayFSL

TORBAY
COUNCIL

Community Safety
Tel: 01803 208025 www.torbay.gov.uk/licensing

The banner features a dark grey background with white text and icons. On the right side, there is a stylized white icon of a kitchen sink with a faucet, a knife, and a plate.

From: Graham Gover [<mailto:graham@grahamgover.co.uk>]
Sent: 10 October 2014 11:48
To: Ellicott, Karen
Subject: Re: UNCLASSIFIED: The Polish Shop, 9 Market Street, Torquay

Karen,

I have now spoken with Kris, and he is no longer involved with the Exmouth licence (for the last eight months), just Exeter as DPS and Torquay which he co-owns. Is that OK to keep him on the Torquay licence?

Regards,

Graham Gover Solicitor LARTPI
10 Southernhay West Exeter EX1 1JG
TEL 01392 423090 | MOB 07799 067709 | WEB grahamgover.co.uk

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Graham Gover Ltd Registered office as above Registered in England 8008005 Director: Graham Gover

On 10 Oct 2014, at 10:05, Ellicott, Karen <karen.ellicott@torbay.gcsx.gov.uk> wrote:

Hi Graham,

It was good to speak to you. If you would like to drop me an email I will call you back.

Kind regards

Karen

Karen Ellicott
Licensing Enforcement Officer, Licensing & Public Protection Team, c/o Town Hall, Castle Circus, Torquay
TQ1 3DR
Tel: 01803 208025
Email: karen.ellicott@torbay.co.uk

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<image001.jpg>

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Always call 999 in an emergency

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Briefing Report
No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of The Polish Shop, 9 Market Street, Torquay TQ1 3AF

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee** On: **27th November 2014**

Contact Officer: **Mandy Guy**
Telephone: **01803 208025**
E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

1.1 To consider and determine an application, in respect of the Premise detailed above, for a Variation to a Premises Licence. The Premises is in the Cumulative Impact Area.

1.2 The application relates to all the Corporate Priorities within the Community Plan.

1.3 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”.

1.4 The matter must be considered on its own merits having received details of the issues arising either at a hearing or by written Representations if all parties have agreed that a hearing is not necessary. Having regard to the Representations and issues arising, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives. These are either:-
(a) to modify the conditions of the licence, or
(b) reject the application in whole or in part.

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

1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

2. Introduction

- 2.1 An application has been made under Section 34 of the Act for a Variation to a Premises Licence. Details of the application are shown in Appendix 1. Only the relevant pages of the application are shown.

A brief description of the proposed Variation is as follows:-

To remove the following condition in Annexe 2 under the Licensing Objective 'The Prevention of Crime And Disorder' which reads as follows:-
'No super strength beers, lagers or ciders of 5.5% abv or above shall be sold other than premium beers, lagers or ciders'.

To add the following condition under the Licensing Objective 'The Prevention of Crime And Disorder' :-
'No single cans or bottles of beer, cider or lager with an abv of more than 5.5% shall be sold with the exception of a) premium beer, lager or cider or b) beer, lager or cider sold in cans of 500ml or more in volume.'

- 2.2 A copy of the current premises licence showing the licensable activities, timings and conditions is shown at Appendix 2 of this report.
- 2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) but is unable to issue the variation to the Premises Licence, as a relevant Representation has been received from a Responsible Authority. The Licensing Authority is also satisfied that the Representation was received within the appropriate time-scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received a Representation from the Police in relation to the Licensing Objective "The Prevention of Crime and Disorder" and "The Prevention of Public Nuisance". This is shown as Appendix 3 of this report.

There have been no Representations received from any other Responsible Authority or any Interested Party.

- 2.4 The Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.6 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.7 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-
(a) The applicant for the variation of the licence against any decision to modify

the conditions

(b) Any person who made a relevant representation in relation to the application who desires to contend

(i) that any variation made ought not to have been made, or

(ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a different way.

2.8 Following such Appeal, the Magistrates' Court may:-

(a) dismiss the appeal,

(b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or

(c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,

and may make such order as to costs as it thinks fit.

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1	Relevant sections of the application form.
Appendix 2	Copy of the current Premises Licence.
Appendix 3	Representation from the Police.

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

The current Premises Licence for the above Premise.
Torbay Council Licensing Policy 2011.

Agenda Item 7 Appendix 1

SE LMS00000965

£190

03/10/14.



Torbay
Application to vary a premises licence
Licensing Act 2003

For help contact
<https://forms.torbay.gov.uk/ContactLicenseTrading>
Telephone: 01803 208025

* required information

Form errors

Some data entered into this form is invalid. Please resolve before continuing.

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

PUZ0011

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

KRZYSZTOF

* Family name

KACZMARCZYK

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the app

one

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is the applicant's business registered in the UK with Companies House?

Yes No

* Is the applicant's business registered outside the UK?

Yes No

* Business name

THE POLISH SHOP

If the applicant's business is registered, use its registered name.

Continued from previous page...

* VAT number -

Put "none" if the applicant is not registered for VAT.

* Legal status

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

* Is your business registered in the UK with Companies House? Yes No

* Is your business registered outside the UK? Yes No

* Business name

If your business is registered, use its registered name.

Continued from previous page...

* VAT number

Put "none" if you are not registered for VAT.

* Legal status

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 17

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

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.

Removal and Addition of Premises Licence Condition

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 17

Continued from previous page...

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 17

Continued from previous page...

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Section 14 of 17

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

NONE

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Annexe 2
The Prevention of Crime and Disorder
1) No super strength beers, lagers or ciders of 5.5% abv or above shall be sold other than premium beers, lagers or ciders.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 17

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

NO CHANGE

Continued from previous page...

b) The prevention of crime and disorder

NO SINGLE CANS OR BOTTLES OF BEER, CIDER OR LAGER WITH AN ABV OF MORE THAN 5.5% SHALL BE SOLD WITH THE EXCEPTION OF A) PREMIUM BEER, LAGER OR CIDER OR B) BEER, LAGER OR CIDER SOLD IN CANS OF 500ML OR MORE IN VOLUME.

c) Public safety

NO CHANGE

d) The prevention of public nuisance

NO CHANGE

e) The protection of children from harm

NO CHANGE

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00

Agenda Item 7

Appendix 2

Licensing Act 2003

Premises Licence

1036

LOCAL AUTHORITY



Torbay Council
Licensing & Public Protection
c/o Town Hall
Castle Circus
Torquay
TQ1 3DR

COPY

Part 1 - Premises Details

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

The Polish Shop

9 Market Street, Torquay, Devon, TQ1 3AF.

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	7:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	7:00am	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

Pawel Puzelko	11 Brownlow Street, Plymouth, PL1 3RN.
Krzysztof Lukasz Kaczmarczyk	10 Coney Court, Exeter, Devon, EX2 8DA.

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



ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where 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/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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.

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The Prevention of Crime and Disorder

- 1) No super strength beers, lagers or ciders of 5.5% abv or above shall be sold other than premium beers, lagers or ciders.
- 2) The sale of all spirits shall be by way of counter service only.
- 3) A senior member of staff shall be on duty at the premises at all times that alcohol is being sold.
- 4) Alcohol shall only be sold to the public if there are at that time no fewer than two members of staff on the premises.
- 5) CCTV shall be provided on the premises and shall be kept in good working order at all times.

Public Safety

None

The Prevention of Public Nuisance

None

The Protection of Children from Harm

- 1) The store shall operate a Challenge 25 scheme whereby any person who attempts to buy alcohol who appears to be 21 or under will be asked to provide identification to prove they are 18 or over. Notices shall be kept on display at the store to inform customers and staff about the scheme. The following forms of identification are acceptable; photo driving licence, passport, proof of age standards scheme (PASS) card and any other locally or nationally approved form of identification.
- 2) Staff will be trained before they are allowed to sell alcohol on the law and the store's practices and procedures to



Devon & Cornwall Police

Building safer communities together

Agenda Item 7
Appendix 3

Licensing Team
Torbay Council
C/O Torquay Town Hall
Castle Circus
TORQUAY
TQ1 3DR

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

27 October 2014

Dear Sir/Madam

The Polish Shop, 9 Market Street, Torquay, Devon, TQ1 3AF

I refer to an application for the Variation of a Premises Licence in respect of the above named premises, submitted by the applicants, Mr Puzelko and Mr Kaczmarcyk.

This premise is situated within the Torbay Council Special Saturation Policy (Cumulative Impact Area) which has been identified as being subject to high levels of crime and disorder and alcohol related crime and it is also situated within the Torquay Designated Public Place Order.

For your information, the Polish Shop currently has the benefit of Premises Licence Number PL0136 which was issued by Torbay Council on 4 December 2013 to Mr Puzelko and Mr Kaczmarcyk. My Police Licensing Officer, Mrs Smart, informs me that prior to submission of the application for the grant of this licence, she was contacted by the applicant's solicitor, Mr Graham Gover, and discussed the matter with him, indicating that the police would support the application for a new off licence within the CIA, provided that it included a condition prohibiting the sale of high strength beer, cider and lager at the premises. At that time Mr Gover informed Mrs Smart that such a condition would be acceptable to his clients, who were aware of a recent application granted in respect of Morrisons. Subsequently an application was submitted on 1 October 2013 in line with the agreement reached and the licence was granted without the need for a hearing. (See work control document attached).

I would remind you that the Torbay Council Licensing Statement of Principles 2011

licensingeast@devonandcornwall.pnn.police.uk

Special Saturation Policy states that where a relevant representation is received in respect of an application for the variation of an existing premises licence, this would normally be refused, where it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in the area, unless the applicant can demonstrate within their operating schedule, that there will be no negative cumulative impact on one or more of the Licensing Objectives.

The application seeks the removal of the below condition:

- 1) No super strength beers, lagers or ciders of 5.5% abv or above shall be sold other than premium beers, lagers or ciders.

With the addition of the following condition:

- 1) No single cans or bottles of beer, cider or lager with an abv of more than 5.5% shall be sold with the exception of a) premium beer, lager or cider or b) beer, lager or cider sold in cans of 500 ml or more in volume.

On Thursday 25 September 2014 my Police Licensing Officer, Mrs Julie Smart, attended this premise in the company of Mrs Karen Ellicott, Licensing Enforcement Officer of Torbay Council, in order to carry out a routine inspection. At that time they established that several types of lager/cider/beer with an abv of 5.5% or more were available for sale in breach of a condition contained on the premises licence. Whilst some of these bottles and cans indicated that they were 'premium' products, many others did not. It was further identified that the tills in use in the premise did not have a prompt system in respect of age related products as is also required by a condition on the premise licence. The person believed to be the DPS (there is an issue over this matter at the moment which is currently being addressed), Mr Kaczmarczyk, was not present at the premise at the time of this visit but Mrs Smart subsequently met with him on 1 October 2014 and gave him suitable advice.

On 7 October 2014 the attached letters were sent to Mr Puzelko and Mr Kaczmarczyk and this variation application has been submitted as a result of the licence breaches identified by Mrs Smart and Mrs Ellicott.

I would now refer you to page 16 of the Torbay Council Licensing Statement of Principles 2011, which clearly states:

(vii) Reducing the risk of crime and disorder being caused by street drinkers, who are or appear to be alcohol dependent. This may be particularly relevant to premises that are permitted to provide sales of alcohol for consumption off the premises. Such premises may be required not to stock or sell high strength or types of cheap ciders, beers or lagers or to sell single unit items, ie cans that split from an original multi pack or other such packaging."

Please also find attached information concerning the Ipswich "Reducing the Strength" Campaign, which was the first initiative within England aimed at removing high strength beer/cider/lager from the shelves of off licences. This campaign has had very positive results and as a result Mrs Smart telephoned Ipswich Police to discuss their initiative with them with a view of adopting all or part of the measures they introduced.

At that time Mrs Smart had been made aware by the Torbay Council Street Wardens of several incidents in the Castle Circus area involving street drinkers who had been able to purchase high strength lager/cider/beer from an identified premise in the town centre. Mrs Smart worked closely with this premise to try to resolve the issues however, there was little improvement in the situation and she was in consultation with Inspector Leisk concerning making an application for a Review of the premises licence when the premises ceased trading in early 2013.

As a result of the concerns regarding this identified premise and her discussions with the Licensing Officer for Ipswich, during October 2012 Mrs Smart visited various off licences within the Torquay CIA to establish what types of high strength beer, cider and lager were on offer and to seek their views on the possible introduction of a 'Reducing the Strength' Campaign within the town centre. Attached are copies of notes she made following her visit to 3 such premises.

On 31 January 2013 Mrs Smart and Mrs Mandy Guy, Senior Licensing Enforcement Officer for Torbay Council, attended a meeting at St Edmunds, Victoria Park Road, Torquay with Mr Bruce Bell, an Alcohol Harm Reduction Officer of the NHS. At that meeting Mr Bell advised Mrs Smart and Mrs Guy that he was keen to introduce a "Reducing the Strength Campaign" and had written to all off licence premises within Torbay seeking their views on a voluntary Campaign, but unfortunately very few premises responded and he therefore felt that the introduction of a voluntary initiative would not be possible.

Mrs Smart has advised me that she has been in contact with Mr Bell recently and it was his intention to forward her current information regarding issues around street drinkers/alcohol dependent individuals and the impact that this has on health and the NHS. To date this information has not been received, but should it be received, and considered of benefit to the Licensing Authority, it will be forwarded to Torbay Council and the applicant's solicitor prior to the date of the hearing.

I have attached a document titled "White Cider and street drinkers – Recommendations to reduce harm", produced by Alcohol Concern. This document provides detailed information concerning the types and quantities of alcohol consumed not only by street drinkers but also other individuals who are alcohol dependent. It also indicates that if high strength cider was not available, these individuals would turn to high strength lager.

Between August and November 2013 Mrs Smart informs me that she was contacted by a local primary school and a hairdressing salon concerning issues they were frequently witnessing concerning street drinkers consuming alcohol outside their premises, using abusive language and causing public nuisance issues, such as littering/urinating etc. Mrs Smart worked closely with these complainants and several off licences in the area in an effort to reduce the issues but was unable to identify with certainty where the alcohol was being purchased. Whilst the off licences believed to be supplying the alcohol were not in the CIA and there was insufficient evidence in relation to any particular premises to take any kind of further action, this does demonstrate the issues around street drinkers and the impact they can have on our communities. Since November 2013 there have been no further complaints in relation to this matter, but should complaints be received please be reassured that positive action will be taken where appropriate.

Due to the number of enquiries Ipswich received regarding their campaign, on 5 March 2014 Ipswich hosted a National Conference to present their campaign to other police forces and local authorities. Representatives from Devon and Cornwall Police attended this conference.

On 3 October 2014, Plymouth launched their "Reduce the Strength" Campaign at an event at the Plymouth Albion Ground and a copy of a press release is attached for your information. I am also aware that the Torridge and Camborne areas are currently working towards the introduction of similar initiatives, and Mrs Smart advises me that during recent discussions with Vicky Booty, Torbay Council Safer Communities Team, she has also been discussing this matter with licensed premises within Torquay Town Centre and is due to submit a report concerning her findings to the Strong Communities Board in December 2014.

On Sunday 26 October 2014 an article appeared on the Herald Express website (copy attached) concerning research undertaken by the charity Alcohol Concern in relation to alcohol misuse and the impact this has on the NHS, the police and the pocket of every adult in Devon and Cornwall.

In relation to the proposed condition outlined within the application the police would point out the proposed condition would allow the premises to sell high strength beer, cider and lager in certain situations. The condition does not stipulate the size of bottles and therefore the intention of the premises is not clear. What does no single cans or bottles of beer, cider or lager actually mean? Is this referring to small bottles (ie 330 ml, 500 ml, 568 ml, 660 ml), or 1, 2 and 3 litre bottles? Although this part of the condition would not permit the sale of a single unit it would permit the sale of multiple units of these sizes (1,2 or even 3 litres) which in turn could have a serious impact on the health of the individual if it were to be consumed in a large quantity, or in one drinking session, which in turn is likely to impact on public nuisance and crime/disorder

within the area. Furthermore, the types of high strength beer, cider and lager available in these large bottles are usually priced very cheaply and are of the type described within the "White cider and street drinkers" document.

The proposed condition also indicates that no single cans with an abv of more than 5.5% shall be sold in cans of 500 ml or more in volume. If my understanding of this is correct, this would allow the premises to sell single cans of beer, lager or cider with an abv of more than 5.5% providing the cans are less than 500 ml in volume. Tenants Super with an abv of 9% is currently available in a multi-pack of 4 x 400 ml cans and therefore this premise would be able to split the multi-pack and sell cans of this high strength lager as a single unit.

An additional issue in respect of this particular premise is around 'premium brands'. What is a premium brand? How can you identify a premium brand? The majority of alcoholic drinks stocked at this premises are imported from Poland and therefore the police are unable to judge whether it is a premium brand unless it states 'premium' on the manufacturers label.

I would now draw your attention to the below off licence premises within Torquay which have conditions on their premise licence prohibiting the sale of high strength beer/lager/cider:

Perry's, Castle Circus, Torquay - Licence granted on 21/10/10

1. The following lines of alcohol shall not be sold from the premises:
No alco-pops – Bacardi Breezer range, Red Square range, VK range, WKD range.
Super strength lager – Carlsberg, Special Brew, Tennants Super
Cider – Not to stock any 2 litre and 1 litre plastic bottle ciders.

This condition, whilst having some benefits, is problematic in that in the future new brands will be available which this premises will not be prohibited from selling and high strength cider is now available in 3 litre plastic bottles. Therefore identifying alcoholic drinks by name or bottle size is not the best way forward.

Savers, Union Square, Torquay – Licence granted on 20/12/12 following a hearing

1. The following lines of alcohol shall not be sold from the premises.
Alco-pops – Bacardi Breezer range, Red Square range, VK range, WKD range or other similar products.
Beer, lager, bitter or cider with an abv of more than 6%.
2. No single cans of alcohol shall be sold.

Morrison's, Market Street, Torquay – Licence granted 11/06/13

1. No super strength beers, lagers or ciders with an abv of 5.5% or above shall be sold other than premium beers, lagers or ciders.

Polish Shop, 9 Market Street, Torquay – Licence granted 04/12/13

1. No super strength beers, lagers or ciders with an abv of 5.5% or above shall be sold other than premium beers, lagers or ciders.

Abbey Service Station, Avenue Road, Torquay – Licence granted on 14/08/14 following a hearing

1. There will be no sales or supply of beers, ales, lager, bitter or cider with an ABV or more than 6%.
2. No single cans of alcohol shall be sold from the premises.

This premise is not situated within the Torquay CIA but these conditions were requested due to issues concerns street drinkers in the area.

Whilst the police accept that there are many off licence premises within the CIA which do not have restrictions on the sale of high strength beers, ciders and lager at their premises, we believe that there is strong evidence available to indicate that restrictions such as this can have a positive impact on the reduction of crime and disorder and public nuisance in an area, and on the health of individuals who are alcohol dependent, thus reducing the burden of alcohol related conditions on the NHS. It must also be borne in mind that this premise is situated within the town centre within a short walking distance of the Leonards Stock Centre, and the police consider it appropriate to reduce the availability of high strength alcohol in the town centre wherever possible.


It is hoped that the Licensing Authority will appreciate that the introduction of a Reducing the Strength Campaign in Torquay is currently a work in progress, and it is hoped that in due course it will be possible to seek the co-operation of all off licences within the upper half of the CIA (ie from the GPO Roundabout to Brunswick Square), where the concerns regarding street drinkers appears more prevalent, to voluntarily agree not to stock these high strength products. Furthermore, it is the aim of the police to continue to seek a condition prohibiting the sale of high strength cider, lager and beer on any further applications for the grant of new licences within the CIA, and other areas of Torbay where street drinking issues have been identified, and the only achievable way of doing so is by restricting the sale of such items based on the abv of the product and not by way of brand names or container sizes.

In conclusion, the police object to this application on the grounds that the granting of it will impact on the existing levels of crime and disorder and public nuisance in the area and, as the applicant has not demonstrated within the operating schedule that the granting of this application will not impact on any of the licensing objectives as is

required by your Special Saturation Policy, the police respectfully request that the Licensing Authority refuse the application.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully



Superintendent G Mayhew
LPA Commander


Force Licensing Team

 This Site: Force Licensing Tea

Force Licensing Team > Licensing Items > Polish Shop 9 Market Street Torquay

Licensing Items: Polish Shop 9 Market Street Torquay

 New Item |
 Edit Item |
 Delete Item |
 Workflows |
 Alert Me |
 Version History

Item Type	Other
Prem Name	Polish Shop 9 Market Street Torquay
Date Rec'd	13/09/2013
Date Due	
Event Start Date	
Event End Date	
Submitting Officer	
Applicant Surname	Gover
Applicant First Name	Graham
Prem Street	9 Market Street
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	
Premises risk rating	Low
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	Please tel Agent Graham Gover acting on behalf of his client's who are Polish on 01392 423090. They would like advice on a New Premises Licence. They already have 4 premises and says experienced.
Comments	<p>DART Robin 54544 (04/10/2013 10:39): edit address to show new name of premises.</p> <p>SMART Julie 50403 (26/09/2013 11:17): 25/09/13 - Telephone discussion with Mr Gover re proposed application. He stated his clients currently have an off licence in Exeter, Exmouth and Taunton and are very experienced in the licensed trade. They propose to open a convenience store aimed primarily at the Polish community. He has made applicants aware that premises are within the CIA. I discussed the issue of street drinkers and recent licences issued to Savers and Morrisons. Mr Gover stated that he was aware of the Morrisons application and we ran through the conditions contained within the licence. He stated that his clients were also aware of these conditions and had indicated that they would be acceptable to them. In view of this I informed Mr Gover that providing his proposed application contains all the conditions we discussed, the police would not object to the application.</p> <p>SMART Julie 50403 (23/09/2013 13:09): 23/09/13 - Telephone message left for Mr Gover to ring me back. Mr Gover's mobile number is 07799 067709.</p>

DART Robin 54544 (13/09/2013 11:10):

Visit tasked NO

Status COMPLETE

LA Time Taken 3

LO Time Taken 60

Item Briefed

Representation/Objection

Hearing

Version: 4.0
Created at 13/09/2013 11:10 by DART Robin 54544
Last modified at 04/10/2013 10:39 by DART Robin 54544



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Mr K L Kaczmarczyk
Designated Premises Supervisor
The Polish Shop
9 Market Street
TORQUAY
TQ1 3AF

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

07 October 2014

Dear Sir

The Polish Shop, 9 Market Street, Torquay, Devon, TQ1 3AF

I write to you in your capacity of Designated Premises Supervisor and Premises Licence Holder of the above named premise, which has the benefit of Premises Licence Number PL1036 issued by Torbay Council.

At about midday on Thursday 25 September 2014 my Police Licensing Officer, Mrs Julie smart, attended your premise in the company of Mrs Karen Ellicott, Licensing Enforcement Officer of Torbay Council, in order to carry out a licensing inspection.

During the course of this inspection they established that your premise had large quantities of bottles/cans of lager/cider/beer with an abv of 5.5% and above available for sale. This was pointed out to staff who, on the advice of Mrs Smart and Mrs Ellicott, removed these products from your shelves.

It was further established that the tills operating at your premises do not have a prompt when age-related products are scanned.

I would remind you of two conditions contained with your premises licence:

- 1. No super strength beers, lager or ciders of 5.5% abv or above shall be sold other than premium beers, lagers or ciders.*
- 2. The store shall operate a scanning till with a prompt when age-related products are offered for sale.*

I would remind you that failure to comply with the terms and conditions of a premises

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licence constitutes an offender under Section 136 of the Licensing Act 2003, and that a person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

Mrs Smart has informed me that she met with you at the premises at 9.00 am on Wednesday 1 October 2014 and discussed the above matters with you. Mrs Smart advised you that your premises are permitted to sell premium brands of beer, lager and cider with an abv of 5.5% or greater but the word 'premium' should be clearly stated on the label. She also advised you that your tills should have a prompt when any age-related product is scanned requiring staff to request an approved form of ID.

At that time you stated that you were not aware of the two conditions on the licence and it is therefore apparent that your premises may have been operating in breach of these conditions since the licence was granted to yourself in December 2013. I therefore request that you take immediate action to ensure that your premises fully comply with the licence requirements at all times.

Mrs Smart has also informed me that you will now consider applying for a variation to remove the condition regarding high strength beer, lager and cider from your licence. I would remind you that your premises are situated within the Torbay Council Cumulative Impact Area, which has been identified by the police as being subject to high levels of alcohol related crime. In addition, it is currently one of four premises within Torquay town centre that have similar restrictions on the sale of certain high strength alcohol products. Therefore, should such a variation application be submitted the police will object to the application. For further information on this matter, please refer to the Torbay Council Licensing Statement of Principles 2011, which is available from Torbay Council or on their website www.torbay.gov.uk.

As Designated Premises Supervisor and Premises Licence Holder I would remind you that it is your responsibility to ensure that your premises are run in accordance with the conditions on your premises, in a manner that promotes the licensing objectives and within the confines of the law at all times.

I must advise you that your premises will be monitored by my officers and should any further concerns come to my attention I will consider applying for a Review of your premises licence or a prosecution for any offences committed, but I hope that this will not be necessary.

A copy of this letter has been forwarded to the Torbay Council Licensing Team for their information.

Should you wish to discuss this matter further, please contact Mrs Smart on 01803 218900.

Yours faithfully

A handwritten signature in black ink, appearing to be 'G Mayhew', written over a horizontal dashed line.

G Mayhew – Superintendent
LPA Commander – South Devon



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Mr P Puzelko
11 Brownlow Street
PLYMOUTH
PL1 3RN

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

07 October 2014

Dear Sir

The Polish Shop, 9 Market Street, Torquay, Devon, TQ1 3AF

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During the course of this inspection they established that your premise had large quantities of bottles/cans of lager/cider/beer with an abv of 5.5% and above available for sale. This was pointed out to staff who, on the advice of Mrs Smart and Mrs Ellicott, removed these products from your shelves.

It was further established that the tills operating at your premises do not have a prompt when age-related products are scanned.

I would remind you of two conditions contained with your premises licence:

- 1. No super strength beers, lager or ciders of 5.5% abv or above shall be sold other than premium beers, lagers or ciders.*
- 2. The store shall operate a scanning till with a prompt when age-related products are offered for sale.*

I would remind you that failure to comply with the terms and conditions of a premises licence constitutes an offender under Section 136 of the Licensing Act 2003, and that a

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person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

Mrs Smart has informed me that she met with your Designated Premises Supervisor, Mr Kaczmarczyk, at the premises at 9.00 am on Wednesday 1 October 2014 and discussed the above matters with him. Mrs Smart advised him that your premises are permitted to sell premium brands of beer, lager and cider with an abv of 5.5% or greater but the word 'premium' should be clearly stated on the label. She also advised him that your tills should have a prompt when any age-related product is scanned requiring staff to request an approved form of ID.

At that time Mr Kaczmarczyk stated that he was not aware of the two conditions on the licence and it is therefore apparent that your premises may have been operating in breach of these conditions since the licence was granted to yourself in December 2013. I therefore request that you take immediate action to ensure that your premises fully comply with the licence requirements at all times.

Mrs Smart has also informed me that you will now consider applying for a variation to remove the condition regarding high strength beer, lager and cider from your licence. I would remind you that your premises are situated within the Torbay Council Cumulative Impact Area, which has been identified by the police as being subject to high levels of alcohol related crime. In addition, it is currently one of four premises within Torquay town centre that have similar restrictions on the sale of certain high strength alcohol products. Therefore, should such a variation application be submitted the police will object to the application. For further information on this matter, please refer to the Torbay Council Licensing Statement of Principles 2011, which is available from Torbay Council or on their website www.torbay.gov.uk.

As Premises Licence Holder I would remind you that it is your responsibility to ensure that your premises are run in accordance with the conditions on your premises, in a manner that promotes the licensing objectives and within the confines of the law at all times.

I must advise you that your premises will be monitored by my officers and should any further concerns come to my attention I will consider applying for a Review of your premises licence or a prosecution for any offences committed, but I hope that this will not be necessary.

A copy of this letter has been forwarded to the Torbay Council Licensing Team for their information.

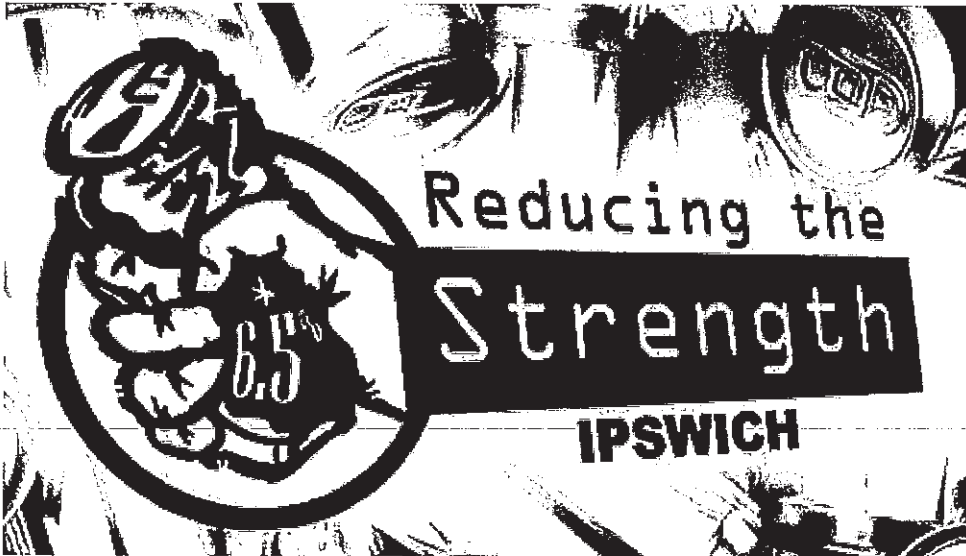
Should you wish to discuss this matter further, please contact Mrs Smart on 01803 218900.

Yours faithfully

A handwritten signature in black ink, appearing to be 'G Mayhew', written over a horizontal dashed line.

G Mayhew – Superintendent
LPA Commander – South Devon

About the campaign



Reducing the Strength

Partners in Suffolk have launched a

campaign to stop the sale of super strength alcohol from off-licences in Ipswich.

Off-licence owners are being asked to become Ipswich 'superheroes' by becoming 'super strength free' and removing these products from their stores.

Suffolk Constabulary, NHS Suffolk, Ipswich Borough Council, Suffolk County Council, the East of England Co-operative Society, Tesco and Martin McColl are working together in an effort to end the sale of this kind of alcohol, which has serious effects on consumers and communities.

'Super strength' alcohol includes lager, beer and cider with an alcohol volume of 6.5% or over that is sold very cheaply. The campaign is targeting the sale of these items only in off-licence premises.

Licensees in Ipswich have been asked to join the campaign by voluntarily removing the sale of these products from their stores. Twenty-three independent stores in Ipswich are already 'super strength free'.

In total there are 130 off-licences in Ipswich, 53 of which will be super-strength free following the launch.

Super strength alcohol is sold very cheaply, and is often bought by young people, or those with alcohol-dependency problems. Excessive consumption of these drinks can lead to health problems for the individual, can make them vulnerable to various types of crime and can lead to anti-social behaviour and community issues.

Campaign leaders hope that by highlighting the problems associated with the sale of this alcohol, the number of off-licence premises selling super strength alcohol in the town will be reduced, and members of the public will have a better understanding of the associated dangers.

Partners said: "We are positive the 'Reducing the Strength' Campaign will have significant, long-lasting, positive effects for the people of Ipswich.

"The negative impacts associated with super-strength alcohol are significant for the consumer and the wider community, but also for the public services who deal with the consequences. This campaign aims to take the problem away at the source.

"We hope that the licensees will share our belief in the positives associated with becoming 'super strength free' and that they will recognise the huge benefits that can result from removing these products from their shelves.

"We are the first county in the country to launch a campaign of this kind, and we hope that with support from our off-licences, we can roll this out across Suffolk, and eventually offer the campaign as a model for public services across the UK."

Related links:

Super strength alcohol and crime

Alcohol and Anti-social Behaviour

Super strength alcohol and health

Go super strength free

Responsible licensing

Lisa's story

Related websites:

Suffolk Drug and Alcohol Action Team! [🔗](#)

NORCAS [🔗](#)

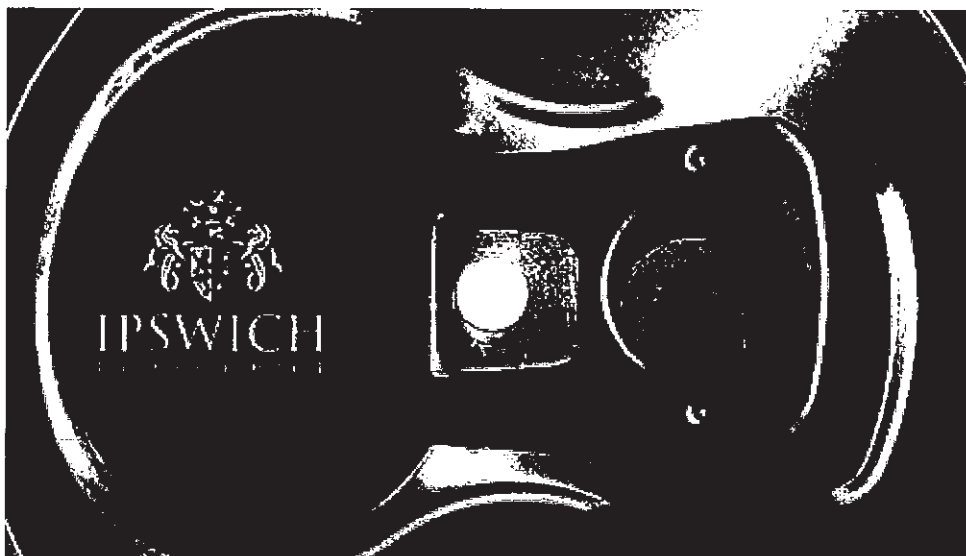
NHS – drinking and alcohol! [🔗](#)

Ipswich Borough Council! [🔗](#)

Suffolk County Council! [🔗](#)

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Responsible licensing



Ipswich Borough Council's Licensing and Enforcement team is responsible for all the administrative tasks and enforcement action associated with the issuing of various licences on behalf of the Council, including those for the sale of alcohol issued to off-licence premises.

Ipswich Borough Council is a strong supporter and joint founder of the 'Reducing the Strength'

Ipswich Borough Council is a strong supporter of 'Reducing the Strength'

campaign, which asks off-licence owners to voluntarily remove super-strength beers, lagers and ciders from their shelves.

The aims of the campaign align closely with the council's licensing objectives, which are to promote:

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

The Council works closely with the police, County Council and health services to try to clear Ipswich of the problems associated with the sale of super-strength drinks, which work against these objectives.

Councillors are aware of the various issues caused across the town, and are working with other agencies to recommend not allowing these super strong drinks to be sold as part of any new licence application. Also, in cases where sales have led to anti-social behaviour, a licence can be revoked or altered in a bid to stamp out the problem.

Councillor Neil Macdonald, Deputy Leader of Ipswich Borough Council, says: "This campaign is a very important one and gathers together many agencies to reduce the sale of these drinks which cause so many health and behavioural problems. We are pleased that the East of England Co-operative stores have taken the lead by removing super strength drinks from their shelves and we hope other supermarkets, neighbourhood stores and independent off-licences will follow suit.

"There are many advantages for shop owners to take action: 'Reducing the Strength' will increase opportunities to expand a business by reducing the anti-social behaviour associated with some of these shops. It is also good news for neighbours and the whole community."

Related links:

- [Super strength alcohol and crime](#)
- [Alcohol and Anti-social Behaviour](#)
- [Super strength alcohol and health](#)
- [Go super strength free](#)
- [Responsible licensing](#)

Lisa's story

Related websites:

Suffolk Drug and Alcohol Action Team 

NORCAS 

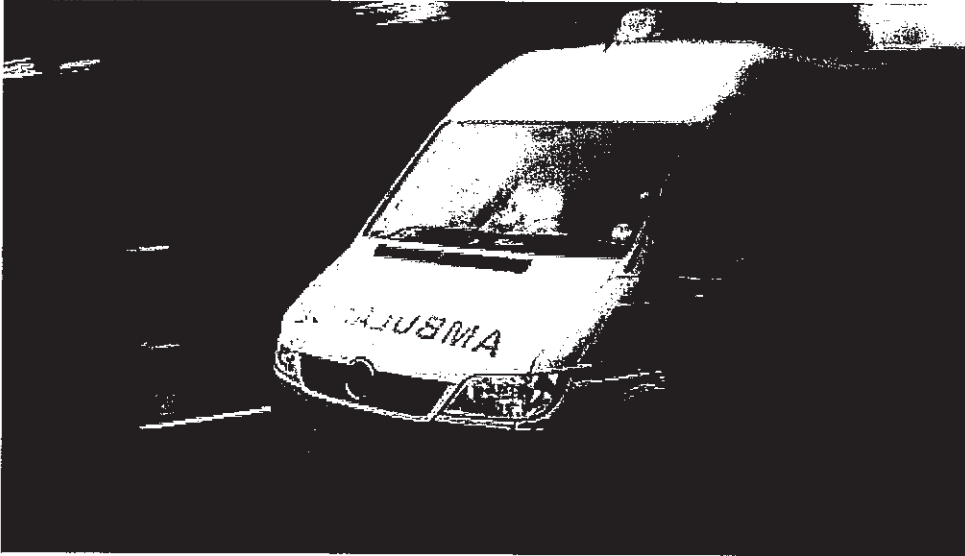
NHS – drinking and alcohol 

Ipswich Borough Council 

Suffolk County Council 

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'Super strength' and health



Super strength alcohol can seriously jeopardize your health and safety

Super-strength alcohol can have a serious effect on your health - that's the message from NHS Suffolk as it supports the campaign to stop the sale of super-strength alcohol in off-licenses in Ipswich.

Sally Hogg, NHS Suffolk's assistant director of public health said: "Drinking alcohol in moderation doesn't present any danger to your health.

"However, last year in

Suffolk there were more than 13,000 admissions to hospital with an alcohol related condition and every other day one person in Suffolk will die from an alcohol related condition.

"Drinking super-strength alcohol such as lager, beer or cider of more than 6.5% volume can lead to significant health problems. If it is abused, alcohol can do immense damage to the body, both physically and mentally, which is why it is important to stick to the recommended daily limit of alcohol intake of 3 - 4 units for men and 2 - 3 units for women.

"Whilst a regular can of lager would normally contain two units of alcohol, a super-strength lager could contain in excess of four units of alcohol - more than the recommended daily limits for both men and women.

"Excessive alcohol consumption can lead to health problems such as liver disease, cancer or even a stroke. Other consequences include depression, impotence and excessive weight gain.

"NHS Suffolk supports this campaign to stop the sale of super-strength lager in off-licences as it could have a significant positive effect on people's health and reduce the number of unnecessary hospital admissions and early deaths."

Top tips to stay within recommended alcohol limits:

When you are out, try having a soft drink or glass of water for every alcoholic drink you have.

If you are at home don't top up your glass - this way you will lose track of how much you are drinking.

Try not drinking every night, and have at least two alcohol free days each week. Give your body a break - however, don't save up all your units and binge drink over one or two nights.

Try a non-alcoholic cocktail – you might just be pleasantly surprised.

What's in your drink?

A standard glass of wine (175ml) contains **2.3 units**

A large glass of wine (250ml) contains **3.3 units**

A pint of lager (4%) contains **2.3 units**

A pint of beer/lager (5.2%) contains **3 units**

A bottle of wine contains **10 units**

Related links:

[Super strength alcohol and crime](#)

[Alcohol and Anti-social Behaviour](#)

[Super strength alcohol and health](#)

[Go super strength free](#)

[Responsible licensing](#)

[Lisa's story](#)

Related websites:

[Suffolk Drug and Alcohol Action Team](#)

[NORCAS](#)

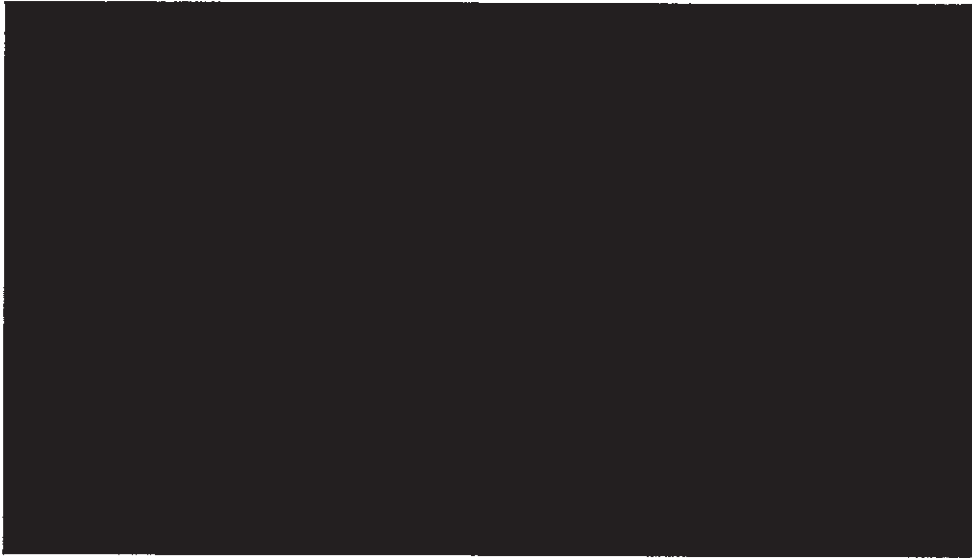
[NHS – drinking and alcohol](#)

[Ipswich Borough Council](#)

[Suffolk County Council](#)

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Lisa's story



Lisa was drinking around three litres of super strength cider every day

Lisa is a 39-year-old lady from Ipswich

whose life has been seriously affected by super strength alcohol.

She is backing the 'Reducing the Strength' Campaign in the hope that others will learn from her story and understand the huge health risks associated with drinking this type of alcohol.

Lisa was happily married, living a 'normal' life and working as a carer when she started to drink. She always enjoyed a drink, but after the death of her mother, her drinking increased and she started to become dependent on alcohol.

As a result of her drinking, her marriage broke down and she eventually became homeless.

She lost contact with her four sons, who were taken in by family members.

Lisa began living on the streets of Ipswich, sleeping in doorways and churchyards, and soon became known to police. She began drinking super strength alcohol every day, as it was the cheapest and quickest way of getting drunk.

At her lowest point, Lisa was drinking around three litres of super strength cider every day, or up to ten cans of super strength lager.

Lisa's health has suffered massively. She developed diabetes as a direct result of her drinking, her liver does not function correctly and she has a skin condition brought on by years of alcohol abuse.

Police and partner agencies encountered Lisa when she was living on the streets and have intervened to help in her recovery.

After attending rehab and then suffering a relapse, she has now been sober for over a month. She has been housed and is attending a recovery programme run by NORCAS, with support from Anglia Care Trust and police.

She has now re-established regular contact with her sons.

Lisa says "I fully support the 'Reducing the Strength' Campaign, as I wouldn't want other people to suffer the serious effects from super strength alcohol that I have.

"I was at the lowest point I could be and would drink huge amounts of super strength to block out my pain. I now think it is disgusting, and think it should be banned.

"I hope that other people, especially young people do not fall in to the trap of drinking super strength, as it can ruin your life."

Related links:

About the campaign

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Related websites:

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Ipswich Borough Council 

Suffolk County Council 

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Going from strength to strength



Reducing the Strength campaign representatives

3 April 2013

Six months have passed since the 'Reducing the Strength' campaign was launched in Ipswich, with the aim of stopping the sale of super strength alcohol from off-licensed premises in the town.

Two thirds of the town's 122 stores have now signed up and figures reveal that the initiative is yielding positive effects for the town.

In September 2012 when the campaign was launched, 53 stores were super strength free. To date, 80 are signed up, equating to two thirds, or 65% of the town's total stores. Support has also been gained from almost all national retailers with stores in the town, with the East of England Co-op, Tesco, Martin McColl, Debenhams, Marks and Spencer, BHS, Waitrose, Sainsburys and Aldi all signed up.

Figures also show a stark reduction in the number of times members of the public have called the police to report incidents of concern involving the street drinking community. Ninety-four 'street drinker events' were reported to police in the six months from the launch of the campaign (September 2012-March 2013), compared with 191 events in the same period the year before. This equates to a drop of 49.2%.

The number of reported incidents of crime and anti-social behaviour (ASB) at or around Co-op Stores in Ipswich have been analysed, both before and after the implementation of the campaign. Only the 26 Co-op stores were included in this analysis, rather than all off-licences in the town, as Co-op stores were signed up from the outset, allowing the greatest statistically significant timeframe.

Statistics show no change in the level of crime or ASB in these locations, but this is against the backdrop of falling levels of crime and ASB across the whole of the town. For the year to the end of February 2013, crime in Ipswich is down 14% and ASB is down 19%.

Under 'Start Afresh', an Operation launched in 2011 to tackle issues surrounding street drinking in the town, of which Reducing the Strength is an important part, huge improvements have been made. By the end of 2012, there was a 20% reduction in the number of individuals defined as being part of the street drinking community and the number of Section 27 'direction to leave' notices used by police had also increased, reflecting significant pro-activity in this area

Local businesses have reported positive effects, with surveys revealing a 20% reduction in the number of people who stated that they witnessed a high level of street drinking around their premises.

Owners of independent off license 'Springs' in Spring Road, which is signed up to the campaign, have also reported an increase in profits since the removal of super strength products from their shelves.

The campaign, run by Suffolk Police, Ipswich Borough Council, Suffolk County Council, NHS Suffolk and the East of England Co-operative Society, is voluntary, and asks the owners of off-licensed premises to remove all beers, lagers and ciders that have an alcohol volume of 6.5% or more and are sold very cheaply, from

their shelves. It also asks that they make a variation to their premises licence to prevent these items being sold in the future.

Assistant Chief Constable Tim Newcomb said, "Six months have passed since we launched our campaign, which is the first of its kind in the UK. It is important that we now look at its effect and gauge how successful it has been in achieving the results we originally hoped for.

"Our aims at the outset were clear; significant problems associated with the sale and consumption of these drinks, for both individuals and communities had been identified, and we wanted to specifically address these. We wanted to reduce the number of stores selling these products, therefore limiting the availability of these drinks to those who are vulnerable, and to reduce the amount of crime and anti social behaviour occurring in and around off-licensed premises in the town.

"We are far from being able to say that we have fully achieved these aims, but we can say that we are seeing some clear improvements and that the campaign is helping us move towards an even safer town.

"Our results directly related to this campaign in-relation to crime and ASB are limited at this point, but are set against the backdrop of fantastic work carried out by police and partners to tackle issues connected with street drinking in Ipswich. Reducing the Strength will add to these results and will help in providing these vulnerable people with routes out of their chaotic lifestyles.

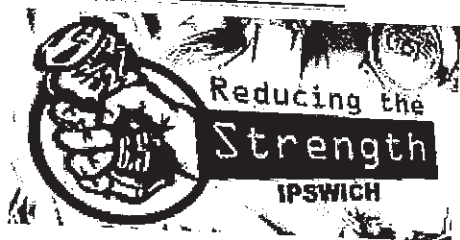
"The support we have received from independent and national retailers has been fantastic, and we have found that many have shared our views that removing these products will have a beneficial effect on our communities. There are still a third of these stores in Ipswich that are continuing to sell these items however, and we will now work with these businesses, along with our partners, to further discuss the benefits of the campaign.

"A significant number of police forces and public sector agencies across the UK have been in contact with us to talk about our campaign and how it has been put together, and we look forward to assisting others in setting up similar initiatives and looking at the potential for rolling it out across the county."

Related links:

[Alcohol awareness](#)

['Reducing the Strength'](#)



Our 'Reducing the Strength' campaign aims to stop the sale of super strength alcohol in off-licences in Ipswich.



Force Licensing Team

 This Site: Force Licensing Tea

Force Licensing Team > Licensing Items > Perrys (Spar)

Licensing Items: Perrys (Spar)

New Item | Edit Item | Delete Item | Workflows | Alert Me | Version History
Item Type Visit - Proactive

Prem Name Perrys (Spar)

Date Rec'd 30/10/2012

Date Due
Event Start Date
Event End Date
Submitting Officer SMART Julie 50403

Applicant Surname
Applicant First Name Christopher Herring

Prem Street
Prem District
Prem Town
Prem County
Prem Postcode
Premises risk rating Low

Hub Location EAST - Exeter

Logic outcome Fail

Licensing Office Torbay

Allocated To Julie SMART

Item Report Summary

Comments SMART Julie 50403 (30/10/2012 14:10):
 1110 hrs 30/10/12 - Attended premises and spoke to Mr Christopher Herring re issues with street drinkers. Mr Herring was fully aware of the conditions on the Premises Licence prohibiting certain types of alcohol to be sold by his premises. On checking the shelves, no Special Brew/Tennants or large bottles of high strength cider were seen. Mr Herring also informed me that no single cans are sold. Discussion re whether he felt an agreement should be in place for all off licenses to stop the sale of high strength alcohol - he thought this was a good idea but it would not affect his premises due to suitable conditions already on licence.

Visit tasked
Status COMPLETE

LA Time Taken
LO Time Taken 10

Item Briefed
Representation/Objection

Hearing

Version: 1.0

Created at 30/10/2012 14:10 by SMART Julie 50403

Last modified at 30/10/2012 14:10 by SMART Julie 50403


Force Licensing Team

 This Site: Force Licensing Tea



Force Licensing Team > Licensing Items > Carters 282 Higher Union Street Torquay

Licensing Items: Carters 282 Higher Union Street Torquay

[New Item](#) | [Edit Item](#) | [Delete Item](#) | [Workflows](#) | [Alert Me](#) | [Version History](#)

Item Type	Visit - Proactive
Prem Name	Carters 282 Higher Union Street Torquay
Date Rec'd	30/10/2012
Date Due	
Event Start Date	
Event End Date	
Submitting Officer	SMART Julie 50403
Applicant Surname	
Applicant First Name	Sara Walker, Assistant Manager
Prem Street	282 Higher Union Street
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	
Premises risk rating	Low
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	
Comments	<p>DART Robin 54544 (29/10/2013 11:50): edit address.</p> <p>SMART Julie 50403 (24/12/2012 11:59): SMART Julie 50403 (30/10/2012 14:30): Attended premises at approximately 1130 hours 30/10/12 and spoke to Assistant Manager, Sara Walker. Premises sells 3 ltr Frosty Jacks 7.5% abv, 3 ltr White Ace 7.5% abv and 3 ltr Crumpton Place Cider, also Tennants and Special Brew. Sara informed me that no single cans are sold. She told me that staff are good at refusing sales and did not perceive the high strength ciders as being a problem. She told me there is more demand for single cans of Tennants/Special Brew from the premises, but the premises has a policy not to sell single cans. Discussion re whether she felt premises would be prepared to sign an agreement effectively prohibiting the sale of high strength cider/large and thought personally it was a good idea but suggested I speak to Barnaby Carter, the shop owner re this matter. Carrier bags used at the premises are green.</p>
Visit tasked	
Status	COMPLETE

LA Time Taken

LO Time Taken 15

Item Briefed

Representation/Objection

Hearing

Version: 3.0

Created at 30/10/2012 14:30 by SMART Julie 50403

Last modified at 29/10/2013 11:50 by DART Robin 54544



Force Licensing Team

 This Site: Force Licensing Tea



Force Licensing Team > Licensing Items > Torre News Convenience Store

Licensing Items: Torre News Convenience Store

[New Item](#) | [Edit Item](#) | [Delete Item](#) | [Workflows](#) | [Alert Me](#) | [Version History](#)

Item Type	Visit - Proactive
Prem Name	Torre News Convenience Store
Date Rec'd	30/10/2012
Date Due	
Event Start Date	
Event End Date	
Submitting Officer	SMART Julie 50403
Applicant Surname	Pettit
Applicant First Name	Alan
Prem Street	
Prem District	
Prem Town	
Prem County	
Prem Postcode	
Premises risk rating	Low
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART

Item Report Summary

Comments

BRIDGMAN Anna 54789 (25/04/2013 15:43):

Attended premises at approximately 1120 hours 30/10/12 and spoke to Mr Alan PETTIT, DPS and Premises Licence Holder. Premises sells Tennants 9% abv and Special Brew 9% abv, and Mr Pettit told me that he does sell some bottles of Frosty Jacks 7.5% but this is kept underneath the counter and is only available on request. He does not keep it visible on the shelf due to the issue with street drinkers and he monitors all persons requesting it and refuses as necessary. Discussion re whether he would be prepared to sign an agreement effectively prohibiting his premises from selling high strength lager/cider. He would consider it should all other premises be prepared to do the same. Mr Pettit showed me the carrier bags used by his premises which are plain white. He has used these for several years.

SMART Julie 50403 (30/10/2012 14:19):

Attended premises at approximately 1120 hours 30/10/12 and spoke to Mr Alan PETTIT, DPS and Premises Licence Holder. Premises sells Tennants 9% abv and Special Brew 9% abv, and Mr Pettit told me that he does sell some bottles of Frosty Jacks 7.5% but this is kept underneath the counter and is only available on request. He does not keep it visible on the shelf due to the issue with street drinkers and he monitors all persons requesting it and

refuses as necessary. Discussion re whether he would be prepared to sign an agreement effectively prohibiting his premises from selling high strength lager/cider. He would consider it should all other premises be prepared to do the same. Mr Pettit showed me the carrier bags used by his premises which are plain white. He has used these for several years.

Visit tasked**Status** COMPLETE**LA Time Taken****LO Time Taken** 15**Item Briefed****Representation/Objection****Hearing**

Version: 2.0

Created at 30/10/2012 14:19 by SMART Julie 50403

Last modified at 25/04/2013 15:43 by BRIDGMAN Anna 54789

White Cider and street drinkers

Recommendations to reduce harm



Alcohol Concern

Alcohol Concern is the national agency on alcohol misuse campaigning for effective alcohol policy and improved services for people whose lives are affected by alcohol-related problems.

This project was written and researched by Tony Goodall and was funded by Alcohol Research UK (formerly AERC)

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Background to this report

In 2009 the Chief Executive of St Mungo's homelessness charity made a presentation to Alcohol Concern's annual conference. Subsequent discussions between the two organisations centred around two main questions: whether white ciders had a different impact on the health of homeless people than other high-strength drinks and if this was the case how to draw attention to the problem. Funding was secured from Alcohol Research UK (formerly the Alcohol Education and Research Council) for this brief study, which is largely based on questionnaires and interviews. Another homelessness charity Thames Reach, which has relentlessly campaigned on the issue of super-strength drinks since 2005, later contributed greatly to the research.

Methods Used

This study was conducted to explore the impact of white cider consumption on the health of homeless people. Evidence for this report was largely gathered from questionnaires from drinkers and hostel workers. The sample consisted of 41 questionnaire responses from drinkers and 23 from workers from St Mungo's and Thames Reach hostels in London, from St George's Crypt and St Anne's in Leeds and from West Sussex Drug & Alcohol Action Team. A total of 31 interviews with drinkers and workers were also conducted in three of the 'wet' hostels (where residents are allowed to drink on the premises). Several liver specialists, drinks industry managers and treatment service providers also gave their views. The original intention was to also seek the views of relatives of drinkers, but because family links for this group have almost without exception been broken, we received input from just one questionnaire and interview with the sister of a man who had died from drinking white cider in 2006. She was actively seeking to prevent similar tragedies from occurring in the future.

In order to obtain a cider producers' perspective, the National Association of Cider Makers (NACM) asked its members if they would like to contribute to the research. Two companies responded, Heineken UK and Aston Manor - other cider makers may have different production practices and approaches from those presented here.

Acknowledgements

Alcohol Concern would like to acknowledge and thank the staff and service users of St Mungo's, St George's Crypt, St Anne's, West Sussex DAAT and Thames Reach who gave up their time for this research project. We would also like to extend our thanks and appreciation to the National Association of Cider Makers and to Heineken UK and Aston Manor for agreeing to be interviewed for this project.

1. Introduction

Professionals working with homeless and dependent street drinkers have expressed concern for many years that white cider, often sold cheaper than bottled water and at 7.5% abv (alcohol by volume), seems to have a particularly damaging effect on the health and behaviour of the people they work with.

There is additionally a widespread belief among drinkers, workers and the public at large that this drink has, to use a regularly quoted phrase, 'never seen an apple', and is only made from chemicals. This research project seeks to examine the evidence for this claim, and studies the impact of white cider on dependent drinkers. It examines the history, production and taxation of white cider, and considers the implications for future taxation, health and homelessness policies.

The report also examines whether white cider has a different impact on health compared to other similar drinks, and what might be an alternative drink if white cider was no longer cheaply available. It examines the production and taxation of white cider, and considers the implications for relevant policies. Brand names for popular white ciders include Frosty Jack's, White Ace, White Star, White Strike, Ice White, Diamond White, White Magic, Blackout and Three Hammers. White Lightning is still the most frequently mentioned brand whenever the matter is raised, despite the fact that Heineken stopped producing it in 2009. The report also looks at the issue of social responsibility for drinks' producers and examines the role of the Portman Group and its members in producing white ciders.

The affordability and strength of white cider also make it very attractive to under-age drinkers with considerable immediate risks, as they are able to get very drunk so cheaply. However, it is particularly difficult to assess how different drinks impact on the health of under-age drinkers, given also that it is illegal to sell alcohol to them. The impact of consumption of white cider on the health of under-age drinkers is beyond the scope of this study, but it is interesting to note that many alcohol treatment professional interviewed stated that most of the customers for white cider seem to be either dependent drinkers or children.

All major political parties in the UK have expressed a desire to tackle the problem of super-strength ciders and lagers, and the report concludes with a series of recommendations for cider producers and the government to consider.

2. Definitions and history of cider making

What is apple cider?

The word Cider is thought to derive from the Hebrew word "Shekhar" meaning strong drink, and apple trees for cider existed along the Nile River Delta as long ago as 1,300BC. Traditional cider is made from the juice of cider apples, fermented in their own yeasts. (It can also be made from pears, but for simplicity, this study will just address apple cider.) Mass-produced commercial cider is usually filtered, coloured, sweetened, pasteurised and force-carbonated. It has a clear golden yellow appearance rather than the cloudy amber-brown of the traditional cider.

Cider can be made from any type of apple, but traditionally the West Country - including Herefordshire, Devon and Somerset - grew 'cider' apples that are high in tannin and low in acidity. The South East - including Kent, Suffolk and Sussex - grew dessert fruit for the London market and also made cider from this fruit. Modern commercial production blends different combinations of varieties to suit different tastes. The UK is the largest worldwide producer, and has the highest per capita consumption of cider. We make about 136 million gallons a year and production has more than trebled in the past 30 years. About 45% of all the apples grown in the UK are now used for cider-making. That is around 170,000 tonnes per year, and more than two million cider apple trees have been planted since 1995.

According to the National Association of Cider Makers (NACM) 13% of adults drink cider at least once a month, compared to 49% who drink wine and 51% who drink beer. But cider sales have soared in the past six years, largely due to the marketing of the Irish cider-makers, Magners. Senior Drinks Analyst for Magners, Jonny Forsyth, said: *"Cider's success has been in constantly innovating to attract a new audience of drinkers - particularly a younger and more female crowd."*¹

What is white cider?

Almost every hostel resident and worker interviewed for this research had a total belief that white cider had never seen an apple during production, and was just produced from chemicals. Where does this belief originate? West Country poet James Crowden has been a particularly vocal critic of the drink, and states on his website:

*"White cider is made by processing dessert apples and the pomace after the traditional milling process, resulting in an almost colourless product that has been heavily filtered. Pomace is the dry apple pulp left behind when the juice has been pressed out of it and this is usually fed to animals or used for making pectin. Other large manufacturers use apple concentrate from abroad and get most of the alcohol from the addition of glucose or corn syrup. This is then fermented out to about 15% abv and then brought down with water to around 7.5% abv and sold in 2 or 3 litre bottles at prices that sometimes make lemonade seem expensive. The glucose is derived from maize or wheat starch and is changed by enzymes into sugars which in turn are changed into alcohol. So the majority of the alcohol in white cider has very little to do with apples at all."*²

Most producers would probably agree with most of this statement but would claim that there is very little difference between this process and the commercial production of any cider. They would argue, however, that pomace is not included in the manner suggested. Yeast is added for fermentation, but corn syrup is just one form of sugar used in general food manufacture, and is used in similar proportions in other ciders. The brewer from Aston Manor said *"What you can't do is ferment sugar and add a bit of apple flavouring. It wouldn't work and you couldn't class it as the drink that pays cider duty"*³

Cider production has been governed since the 1970s by Notice 162 of Customs and Excise, which was written at the time of the UK entry into the Common Market. This included a very restrictive list of permitted cider ingredients, together with; *'water no limit; sugars and sugar syrups no limit.'* This means that until recently cider could be made with minimum apple content by adding some form of sugar. Crowden claims that the Food Standards Agency reported in 2004 that juice content in commercial ciders varied from 7% to 100%.² In fact Dr Sian Thomas stated in the FSA report "it would appear that the overall juice content of ciders produced in the UK is about one-third of the product volume."³

Alcohol only acts as a preservative above 12% abv, so most ciders and wines do have a chemical preservative added, sodium metabisulphite, which is why the label says 'contains sulphites'. This has also been a long undeclared additive used by the wine industry. The only admissible colorants in cider are caramel, or three azo dyes used to achieve a light amber-to-straw colour. Interestingly there are no such restrictions on additives for that other well-known group of problem spirit drinks – RTDs (Ready to Drink) such as WKD. Some members of the cider industry feel the lack of equity is due to the lobbying muscle of the far larger companies that produce RTDs - which have an even worse reputation for encouraging excessive drinking amongst the young⁴.

It is not cost effective for producers to have a wide range of different fermentations, so they are all based around what is called their 'standard general' formula, but diluted to different strengths with colour added where necessary. White cider will simply be one of a range brewed from the same standard general.

History of white cider

White cider was first produced in the 1980s, and Diamond White was launched by Matthew Clark of Shepton Mallet in 1986. White Lightning joined the market shortly after, and was brewed by Inch's of Winkleigh. The idea was to make them very light in colour, so at first they were carbon filtered. Producers had an abundance of bittersweet apples at that time so they needed to strip out the tannin to neutralise the flavour and colour, and make a distinctive cider that was easy to drink. The culinary juice that is now used is imported in the form of concentrate and it needs no filtering as it is light in colour and low in flavour. Mansfield brewery also experimented with a very early version, made from dessert apples, and sold in a champagne bottle, but their directors judged that there was no future for such a drink.

It was drunk at first in pubs as a 275ml bottle at 7.5% abv, but then it became available in larger bottles from off-licenses for drinking at home. Bulmers bought out Inch's in the early 1990s, and their market research showed that White Lightning was popular with lower-income customers who might drink it instead of a bottle of wine on a Saturday night, along with a meal such as fish and chips. They believe that they marketed and sold the product in a responsible way at that time.

Around the year 2000 the cider industry was experiencing financial difficulties and white cider, along with all other ciders, was therefore marketed aggressively. This resulted in a considerable price reduction, and white cider quickly became the cheapest way to buy alcohol in terms of unit price. White Lightning was commonly known amongst street drinkers as 'White Frightening'. In 2003 Bulmers, with a £30m turnover, was bought by Scottish and Newcastle, a company with a 12 times bigger turnover, which was later taken over by the still larger Heineken. According to Heineken⁵, this size of organisation has far greater protection against market forces, and this can allow them to back their moral instincts with commercial actions. Heineken, at the time, considered that a responsible brewer should not

produce white ciders. However White Lightning was 10% to 20% more expensive than other ciders, so they feared that if they suddenly removed it from the market the average price would go still lower. Heineken decided instead to try and take a leadership position and change the marketplace. They realised this would be very difficult but felt that they had been involved near the start of the white cider journey, so had a duty to try and bring it to an end.

Heineken decided that they would no longer put any high-strength product over 6% abv in a three litre plastic bottle, or run promotions such as paying for two litres and getting the third litre free. They explored the possibility of banning bottles of two litres and above, but this would impact on other drinks that were not causing a problem such as champagne. Heineken deliberately put up the price of White Lightning over the next three years, which lost them three quarters of their market share. They also discussed responsible cider strategies with major retailers.

Progress had halted by 2007, as sales slumped and retailers started to drop the product. The next stand they took was to reduce the abv from 7.5% to 5.5% in May 2009, which further reduced sales. Later that year they finally de-listed what had once been the market leader, due to *"its negative 'park bench' image"* and to *"reinforce our stance on responsible drinking and drive more value into the cider market. White cider is the cheapest way to buy alcohol in the UK. This is pocket money these days. There is no other alcohol category that has the same challenge as white cider⁶."*

Heineken still had one cheap 7.5% abv cider product which was sold in a can as Strongbow Black. Perhaps because it was not considered a 'white' cider and had not been the subject of any controversy, management had failed to properly consider this product. However, in July 2010 their senior management team visited a Thames Reach hostel in London. There they were confronted by the full impact of cheap super-strength ciders and lagers on people's lives. The managing director took the decision the next day to de-list Strongbow Black.

Those who still produced white cider disagreed with Heineken's approach and an Aston Manor senior manager stated, *"White cider is no different in actual cost - we charge a fair price, or what the market price is for our product. The biggest so-called white cider is our brand Frosty Jack's, but it isn't really a white cider, it is a pale amber colour and we haven't marketed it as white cider for over two years⁴."* (As it is sold in a blue bottle, the actual colour is not obvious.) He went on to say, *"We have the same attitude as the National Association of Cider Makers, choosing to focus on problem drinkers rather than drinks. We think problem drinkers are a myth. If you take all the white ciders in the UK, it accounts for 0.1% of alcohol consumption, and is being abused by a small percentage of people. Problem drinkers are a social issue not an economic issue. If you got a consumer of 7.5% abv cider and got them onto 5% you might see an improvement in their health. You can't pick out white ciders because they're not actually the cheapest form of alcohol in the UK, the lowest strength ciders are the cheapest per unit."*

3. Cider taxation

Cider contributes more than £1m a day in excise duty and VAT to the UK Exchequer, but it is taxed at a lower rate than other alcoholic drinks in order to protect the traditional cider industry, primarily to allow for investment in the slow process of orchard development. Following the rise in alcohol tax in the 2011 budget, cider at 1.2 to 7.5% abv attracts a lower rate of duty at £35.87 per hectolitre (100 litres). Ciders at 7.5 to 8.4% abv attract the higher rate of £53.84 per hectolitre. Cider above 8.4% abv would be classed as apple wine, which would therefore pay a wine duty of £241.23 per hectolitre. Spirits Duty is calculated differently as £25.52 per litre of Pure Alcohol.

Standard Beer Duty is currently £18.57 per hectolitre for each percentage point of alcohol in the beer. A similar tax on alcohol strength in cider would achieve parity for these two drinks. The Chancellor, George Osborne, confirmed in his 2011 budget that from October 2011 tax on beers below 2.8% abv would be cut by 50% - and duty on beers above 7.5% abv would rise by an extra 25%.

This could put an extra 25p on a can of super-strength lager, but will also widen the gap between the price of super-strength lagers and ciders. This also indicates that a direct tax increase on strong ciders should also be possible, and that super strength drinks need to be considered together.

Historically the reason that cider must be below 8.4% abv is due to the fact that naturally fermented apples would not get above that level. However the addition of sugars or corn syrup to fortify the drink increases the alcohol content. Merrydown Vintage is more expensive than white cider, but is also 7.5% abv and made from dessert apples with the same base that might be used for a white cider. It used to be sold at 11% abv until the cider duty was introduced in 1984, and its strength was immediately cut, demonstrating that taxation policy can influence industry decisions on producing lower strength products.

The last Labour Chancellor Alistair Darling attempted to change tax on cider in his final budget. He proposed to remove the tax advantage that cider has by imposing a 10% rise over inflation, compared to a 2% rise for other alcoholic drinks. This would have increased the price of a pint of cider in a pub by about 20p, to about £3 a pint. This produced a media storm at the time and a huge reaction from the public and the cider industry. In any case the rise was cancelled as the general election was announced.

The day after the 2010 budget, Mr Darling said: *"There's a distinction to be made. There are some drinks sold as cider which have a very, very much higher alcoholic content, which are different from the stuff that's made in the West Country"* He was presumably referring to white ciders, but his proposal ignored that distinction by covering all ciders. He did however announce that from September 2010 *"the technical definition of cider will be changed to ensure products that more closely resemble made-wines are taxed appropriately"*.

It seems likely that Mr Darling was referring to discussions that were already taking place between the Treasury, HM Revenue & Customs and the NACM. Health and homeless charities were only included in the later stages. They concluded that the key to finding a distinction was in the juice content. Mainstream ciders are not 100% juice, but a mixture of juice and water. White ciders have a much lower juice content which is in part what allows the price to be so low. In September 2010 the Coalition Government passed the Alcoholic Liquor Duties (Definition of Cider) Order, aimed at increasing tax on cheap, strong ciders. This was introduced in Parliamentary Committee by the Secretary to the Treasury Justine Greening:

*'These products cause much concern to health and homelessness groups, which rightly identify them as cheap sources of alcohol. The cider industry, too, has shown concern because these so-called industrial ciders bear no resemblance to the traditional products consumed by reasonable drinkers. Consequently, industrial ciders should not benefit from the same rate of duty for cider that helps to support an important local and national industry.'*⁸ A minimum juice level of 35%, with a specific gravity of at least 1033 degrees was introduced, and products below that would be subject to the much higher wine rate.

The use of the term 'industrial ciders' might be rather misleading. Most of the cider that is consumed such as Strongbow and Magners has to be produced on an industrial scale, but it is not giving rise to major concerns. It remains to be seen how effective this change will be in influencing price. One of the market leaders, Frosty Jack's, already complied with the legislation on juice content at 40%. Some other ciders might be below the new standard, such as Diamond White at about 24%, but they might not need to add a great deal of extra juice to meet the threshold. Even if the production costs rose, these would not necessarily be passed on to the customer. It is extremely unlikely that any white cider would retain such a low juice level that the producers would be forced to pay the wine rate.

The UK doesn't produce sufficient sweet apples to meet the blending demands of the cider industry, which is why cider producers need to import culinary concentrate. New strains of apple are being developed locally, but it takes five years for trees to produce any significant crop, seven to eight years for the grower to break even and ten years before the trees will produce a full crop. Concentrate from Eastern Europe has historically been very cheap, but bad harvests in Poland have produced steep price rises. Producers of cheap ciders can use concentrate to avoid the capital setup costs of orchard planting and milling, and also to be able to access it throughout the year. Most of these drinks, including supermarket own brands, are on annual contracts with the producers, which are normally renewed around April when prices might change. The culmination of increased cost of concentrate, the new juice requirements and rise in VAT and alcohol duty might see some price increase around this time.

Cider production has higher production costs compared to beer, including the investment in developing orchards. This is presumably why it gets a tax break. The question has to be addressed; why should producers that use imported culinary concentrate benefit from these breaks, particularly if this might be one of the factors that keep white ciders so cheap?

White cider and price

Table 1, below, shows a random sample of different white cider products sold in differing sized containers in Maidenhead, Slough and Hayes (Middlesex) in April 2011. It also includes two super-strength lagers and one cheap brand of vodka. The 'Remainder' column is not all profit – it is simply the difference between the total tax paid and the cost to the customer. It does seem to demonstrate that relatively high margins can be maintained on white cider even at these very low prices, largely due to low cider taxation level. It is not clear how much of the mark-up would go to the producer, and how much to the retailer. It is interesting to note that although K cider at 8.4% abv falls into the higher duty bracket, this only results in an extra 1p/unit. This is 13p/unit less than lager at the moment, but this gap will grow later in the year. An 85p can of White Ace produces a similar margin to a £8.62 bottle of vodka. The retailer would need to sell two cans of Kestrel Super lager at this price to get the same mark-up as from one can of Carbon White cider.

Table 1

Product	Alcohol % abv	Size - Units (u)	Price	Price/unit £	Vat £	Duty £	Duty per Unit £	Remainder
Carbon White	7.5%	500ml - 3.75u	£0.59	0.16	0.10	0.18	0.05	£0.31
White Ace	7.5%	500ml - 3.75u	£0.85	0.23	0.14	0.18	0.05	£0.53
K Cider	8.4%	500ml - 4.2u	£0.95	0.23	0.16	0.27	0.06	£0.52
Blackout	7.5%	2L - 15 u	£2.99	0.20	0.50	0.72	0.05	£1.77
Mega White	7.5%	2L - 15 u	£2.15	0.14	0.36	0.72	0.05	£1.07
Frosty Jack's	7.5%	3L - 22.5 u	£3.49	0.16	0.58	1.08	0.05	£1.83
White Ace	7.5%	3L - 22.5 u	£3.69	0.16	0.62	1.08	0.05	£2.00
Skol Super Lager	9.0%	500ml - 4.5u	£1.25	0.28	0.21	0.84	0.19	£0.21
Kestrel Super Lager	9.0%	500ml - 4.5u	£1.20	0.27	0.20	0.84	0.19	£0.16
Selekt Vodka	37.5%	700ml - 26.25u	£8.62	0.33	1.14	6.69	0.25	£0.49

On 18 January 2011 the government published its promised plans to ban retailers from selling alcohol below the rate of duty plus VAT. It was claimed that this would reduce the sale of cheap alcohol. The rate of duty on a 440ml can of 4.2% abv lager is 33p and VAT is 5p, giving a total 'minimum price' of 38p. Minimum prices for other alcoholic drinks will include: 1 litre of vodka - £10.71, 700ml of whisky - £8.00, 750ml bottle of wine - £2.03; but because of its low duty rate - 1 litre of cider would still be sold for as little as 40p – or 5.3p per unit. Clearly this will have no impact on the prices in the table above.

Westminster Council has demonstrated the possibility of regulating sales of super-strength drinks in specific licensed premises by judicious use of licensing regulations. Their Licensing Policy contains the following: *"When requested by the police, the Licensing Authority may impose conditions that there should be no sale of alcoholic beverages over a specified limit of alcohol by volume or of specified quantities (e.g. of beers, lagers and ciders over 5.5% abv). Other conditions may be imposed directed at reducing problematic street drinking. There will be concerns over irresponsible drink promotions that do not follow best practice, that would appeal to underage drinkers or street drinkers or encourage excessive consumption."* Westminster has introduced a model condition for use when such a condition seems appropriate: *"No super-strength beer, lagers or ciders of 5.5% abv or above shall be sold at the premises".*

This is typically requested by the police when licences are applied for by off-licences in areas where there is evidence of street drinking. There has been little or no resistance to this. Their original approach was to seek a voluntary ban in off-licences where there had been a local problem. This might have been fairly well received because many retailers do not want to encourage street-drinkers to use their premises.

Rather than restricting local authorities to take action simply on issues of public disorder, if the Licensing Act 2003 was amended to include an objective to protect public health, this would allow local authorities to take the level of alcohol-related health harm into consideration when making licensing decisions. This would give them the power to expand on the Westminster approach, and ban the sale of super-strength drinks across their locality.

4. White cider and street drinkers

Street drinking 'alcoholics' are very often marginalised by society and are largely hidden from view, out of work, struggling to find a roof and are often parted from their families. They live an existence that would be intolerable to most people, and one of the most available escape routes is through a bottle of white cider.

Of white cider drinkers completing the questionnaire in our research, around 50% claimed to drink more than three litres a day on average, and 42% (though not necessarily the same drinkers) had been drinking it for more than ten years. Of the options that were presented to them as reasons for drinking it, around 75% of drinkers and 80% of the workers supporting them rated price as the most important. This was followed by effect, then availability, with taste coming last. Only three of the drinkers rated taste as their most important attraction. It is often argued that raising prices would not change the drinking habits of this group. It was very apparent during interviews that most of them have an incredibly detailed knowledge of price variations, and will often travel considerable distances for the best bargain. They reported that some small shops were willing to give them credit if they were sure of payment when their welfare payments were received. Other shopkeepers were prepared to sell below the prices on the shelves to these very regular customers.

Some of the short-term effects of white cider that they viewed as positive, were; *"makes you happy; makes me more relaxed; mellows me out; I can function on it, makes me normal; stops me feeling sick; stops me shaking; I don't have to think about difficult personal issues; stops the withdrawals; stops the rattles; to pass the time of day and just to have a buzz; after a few bottles I can sleep and am more confident with people."*¹¹ Several of them used it as a retreat from terrible personal experiences, including childhood sexual abuse.

Clearly drinking white cider achieves one main aim - that is to get drunk - but the descriptions provided of some of the effects of drinking white cider provides an often hidden view on the bleak lives they live; *"two litres, and above, reduces appetite, stops shaking, initially heightens emotion, more talkative, blurs vision, dulls conscience, eventually unconsciousness; wake up shaking, no appetite; sleep deprivation, takes over the day; can't sleep if I don't drink; having no energy to focus on doing daily tasks; self-neglect, social isolation; more cloudy in memory; sweats, bad dreams; it takes a lot to get drunk; doesn't help me do anything else; ill and shaky in the mornings, find it hard to eat; pain in back, really bad heartburn; makes me drunk and nauseous; tummy aches, not pleasant; makes me feel invincible, so more likely to get into fights; diarrhoea."*¹¹ Double incontinence is a common complaint that is more likely to be mentioned by the workers we interviewed. Having constantly wet and soiled clothing leads to a great loss of dignity, and many of the residents are really in need of nursing home care.

The long-term effects that they describe include all the health conditions associated with dependent drinkers; damage to liver, heart and stomach, high blood pressure, double incontinence, fits, mental health problems, depression, blackouts and memory loss. Their own words give a greater sense of the real impact; *"Increased dependency; increased negative emotions (anger, loss of self-esteem); sick in the morning if you don't drink it; throwing up blood; bleeding veins (recent endoscopy), stomach ulcers; aching bones, loss of balance, sleep deprivation; acid reflux indigestion; high cholesterol, heart failure; find balancing difficult at times, DTs, have had seizures; weight loss, lack of appetite, poor coordination, poor diet, liver shot to bits; sick, yellow vomit every morning, sore throat (bile); exhausted every day; makes me feel terrible; suffer from panic attacks and difficulty with sleeping; keeps withdrawal away for longer; withdrawal comes quicker; stomach ulcer got very bad, nearly fatal, vomiting blood by the pint in 2009; not remembering what I did last*

week let alone last month, poor skin complexion; diabetes and heart disease, ongoing problems with my feet including toe amputation.”¹¹

Their descriptions of behavioural impacts include; *“less likely to attend appointments, poor money-management; decreased motivation skills; not going out on my own; aggressive behaviour, ASBOs, evictions pending convictions, drunk and disorderly offences; noise nuisance, complaints against me; excuse for intolerable behaviour, poor hygiene; chronic lifestyle; reduced social skills; belief that without alcohol you cannot interact properly; inhibitions go and I can become argumentative, morbid, babble inanely.”*

Their family, social or working lives have been torn to shreds; *“destroyed all of the above; my alcoholism ruined all those already over 20 years ago; ruins my life especially financially; lost all my jobs through alcohol; have lost everything due to drinking, makes you a bit of a leper; social isolation and homelessness, I don't really see family, in hostel most of the time; I hide it from my family; most of my friends drink; the only family I see are the ones that drink; I am alienated from my extended family though I fit in well at the hostel; have limited social life or friends and can't work now; family life fucked; fucked up everything.”¹¹*

The cheapest and most popular way to buy white cider is in two and three litre plastic bottles (often promoted as three litres for the price of two). Three litres of white cider contain 22.5 units of alcohol which is more than the maximum number of weekly units recommended by the Department of Health for a man. Hostels try to discourage sharing of drinks, but such bottles are easy to pass around groups, and in practice residents will often share when friends run out of money. However they will normally finish at least one bottle without any help at all. One worker commented, *“It's very difficult to get an accurate measure of how much white cider some people do drink in a day because after three, three litre bottles they lose count.”¹³*

The London hostels surveyed also have some women residents, though in far smaller numbers. Several workers commented on one notable contrast. *“The main difference we see in women is that when women develop jaundice through liver disease they only seem to go into hospital once and it kills them. Men can go in a number of times before they are killed by it - probably three strikes before they are out.”¹⁵*

Roughly 25% of rough sleepers in London at the moment may be from Central and Eastern Europe. They don't have recourse to the same welfare benefits safety net that UK residents have, unless they have worked and paid National Insurance contributions for a year. This leaves them living on the streets, and they are typically drinking vast quantities of white cider with devastating consequences. If they are drinking heavily they can't get the work they need to be able to afford accommodation. Some agencies try to give them an alcohol detox prior to helping them get back home where they can be linked to local services. One worker described a visit he made to a group of Polish rough sleepers in a small derelict room in the East End. *“The floor was three or four bottles deep in empty White Ace cider bottles. It was just the most horrendous sight. There is one of these rough sleepers in North London at the moment who is being paid in white cider to unload deliveries at an off-licence.”¹⁵*

There may be many white cider drinkers who do retain contact and support from their families, despite the strain of their lifestyle, but it is very difficult to track them down. The only input into this study came from the sister of a man who died from drinking White Lightning in 2006. She described his terrible spiralling decline following the death of his father. With support from family, friends and a local treatment service, he made several vain attempts to stop drinking; he could not do so due to the fits he suffered in withdrawal. His life imploded, and he was eventually hospitalised. There he allegedly received very unsympathetic treatment from one nurse in particular, which the family successfully complained about.¹⁴

This gives an interesting insight, because typical white cider drinkers might well be similarly blamed for causing their own problems during hospital treatment. Without the kind of family support described above, they would not be able to make an effective complaint, and any poor treatment or negligence would be likely to be buried with them.

Does white cider have a different health impact?

The other drink of choice for this group is super-strength lager at 9% abv, particularly in the London hostels. The research sought to investigate if the two drinks have different health or behavioural impacts. For many drinkers there appears to be little difference, but for others, and in the view of many of the workers, white cider seemed to produce far more stomach problems. Some felt it was more acidic, and as they have no appetite it seems to do more damage on an empty stomach. Several described a burning sensation as it went down. Many also say they feel sick first thing in the morning before their first drink. Some had changed to lager to avoid what they regard as this acid effect, or what was described by one person as 'a lot of physical pain'.¹⁵

A doctor working for the British Society of Gastroenterology said:

"I'm not aware of any reputable formal clinical research comparing the gastric toxicity of white cider and strong lager in street drinkers. I would imagine that in each case it is the combination of alcohol and absence of food that is responsible. I think that is unlikely that such a study would be fundable or would receive ethical approval in today's research climate, but would see no reason to disbelieve the subjective opinions of the subjects consulted. Strong white cider is considerably cheaper than strong lager per unit alcohol, and as a result more damaging."¹⁶

Liver specialists and treatment services reported no discernable difference in the impact they saw from white cider. As far as they were concerned it was high strength cheap alcohol that caused the most problems. Those who work with the drinkers by and large believe that they do see a difference in health and behaviour compared to those who drink lower strength ciders. However few claim any discernable difference between super-strength drinks, apart from the increase in stomach damage from cider. Two of the hostels have harm minimisation programmes to try and move their clients onto weaker drinks. In Leeds they facilitate delivery of drinks of up to 5% abv, but if their residents want white cider, they have to go out and get it themselves. This has proved a sufficient incentive to persuade most of them to change. However for some drinkers this does not work. They talk of weaker drinks "not touching the sides" for them. They have become so used to the super-strength that anything weaker will just not hit the spot. A typical reaction is, "If I had to drink 5% I'd be well fed up because I'd have to drink so much that I'd be sick before I can stop the shakes."¹⁵

It was interesting to note that even the Aston Manor manager quoted above is clearly aware of the health impact of these drinks when he says 'If you got a consumer of 7.5% abv cider and got them onto 5% you might see an improvement in their health.'⁴

What would they drink instead?

If white cider was no longer available it would be very naive to believe that dependent street drinkers would stop drinking. The hope among workers interviewed is that many would change to 5% abv ciders instead. Harm minimisation practices have shown that this can work with many drinkers. Those who have developed a very strong dependence on 7.5% abv and above might be likely to steer towards super-strength lager as their next port of call if it remains relatively cheap, and any policy aimed at the damage done by white cider needs

to also include these lagers. As one ex-white cider drinker put it '*I drink lager instead now because it is less acidic, although still harmful*'.¹⁵

Cheap sherry used to be very popular with street drinkers, and this might see a resurgence of popularity. Some of the workers interviewed felt that spirits are even more damaging to health and behaviour, and it is only their relative high price that limits their street consumption. If the cheap alternatives were removed, spirits might become more attractive to some.

It is questionable whether super-strength white cider and lager have a place in a civilised society. They are wrecking lives and killing people in increasing numbers. If they were removed, the current crop of drinkers who are dependent on them would struggle to find a ready replacement. Their bodies have been conditioned to need at least 7.5% abv. Street drinking 'alcoholics' existed long before these drinks were designed, however they did not need such high strength, non-spirit drinks because they did not exist. If these drinks are allowed to remain on the shelves, then new generations of drinkers will be led down the same pathway.

5. Policy options to reduce harm

It is not surprising that this study found that 100% of those professionals who work with these drinkers believe that, because it is killing their clients - white cider should either be banned or that it should be priced out of their reach.¹² What was perhaps more surprising was that around 50% of the drinkers themselves agreed with this. It should also be stated that there were others who thought it should be made cheaper, be free or provided on prescription.¹¹ It is interesting that they should consider the latter an option as they are clearly viewing white cider in the same way as they would an illegal drug such as heroin where withdrawal from the drug is often assisted through the provision of a substitute called methadone on prescription.

In policy terms, there are several issues for government to consider:

a) There is nothing that is sufficiently different about white cider as compared to other commercial cider that gives legislators an excuse to take action against it. It is simply strong cider, albeit branded in a particular way to suggest high strength.

b) From inside the cider industry Heineken/Bulmers have chosen to de-list what had been the market's leading white cider brand because they did not believe it should be produced by responsible brewers. They apparently tried to lead their fellow producers in the same direction, but other producers are concerned about the loss of profit and believe that the issue is a social problem that cannot be solved by withdrawal of particular drinks or through variable pricing.

c) The government acted in September 2010 to introduce a 35% minimum juice content, and it remains to be seen how much prices might increase as annual contracts are re-negotiated for own label ciders. Some might need to substantially increase their juice – and therefore cost levels, but it seems unlikely that this will be a major factor for most producers.

d) The January 2011 increase in VAT combined with the government's ban on retailers selling alcohol below the rate of duty plus VAT has had very little impact on such a cheap product.

e) When a three litre plastic bottle is filled with white cider, it contains the maximum recommended number of weekly units for a man. 66% of the drinkers surveyed for this research drank at least three litres every single day. Attempts to ban three litre plastic bottles have been blocked by three arguments:

- (i) That they are safer than glass, and cannot be used as dangerous weapons.
- (ii) Some other alcoholic drinks that do not cause problems are also available in two litre plastic bottles.
- (iii) They have the advantage over cans that they are re-sealable, and so the contents do not need to be consumed in one session. This last point might be true in theory, but in practice, the dependent drinker tends to keep going until there is none left.

The drinks industry and social responsibility

If the drinks industry was to take the lead, then perhaps that could be done through the Portman Group. This group is supported by the UK's leading drinks producers to ensure their social responsibility. They say on their website that '*We are concerned solely with the social responsibility issues surrounding alcohol.*' Their Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks was introduced in 1996. They state that there is nothing in the way white cider is marketed that contravenes this code. However, one of

their members, C&C Group, is a major producer of white cider brands Diamond White, Ice Dragon, White Ace and White Star, all 7.5% abv white ciders.

It might be argued that selling three litres for the price of two of 7.5% abv cider already contravenes responsible packaging and promotion, but as representatives of producers, retail practice is beyond the scope of the Portman Group. The on- and off-trade must abide by the Mandatory Code introduced by the previous government, but there is nothing to specifically stop white cider being promoted in the way it commonly is.

In fact it would seem there is no need for any marketing of this drink to its consumers, the vast majority of which seem to be dependent drinkers and children. All the producer of white cider needs to do to attract this market is to give it a name that includes 'white', make it 7.5% abv - and of course make it cheap. Perhaps if the Portman Group is sincere in its desire 'to show leadership on best practice in the area of alcohol social responsibility', it might consider revising its Code of Practice beyond packaging and promotion to include 'Production' and even discourage its own members from producing these drinks.

The Portman Group did however uphold a complaint in July 2008 made by the National Association of Cider Makers against the Original Cider Company for their 'Blackout' white cider and 'Mega White' cider. The company claimed that the former's name was to celebrate the eclipse of the sun. The ruling stated, '*in the context of relatively strong cider, the name Blackout carried strong connotations of the drink's potential effect on consumer: i.e., alcohol induced unconsciousness, and was therefore very unwise*'¹⁶. It also found that Mega White cider displayed the words 'Mega Strength' on their bottles. Both ciders were ruled in contravention of the Portman Group's Code and a Retailer Alert was issued for all retailers to delist the stock from their stores.¹⁶ While this ruling is positive, the power of the Portman Group and of voluntary codes has to be called into question as both these products are still on the shelves of off-licenses we visited in April 2011 (see Table 1 above).

Recommendations

All three of the main political parties have expressed strong concern about super-strength drinks, but their combined actions have brought about little change so far. Here are six recommendations developed from the evidence of this research.

1) The simplest solution would be to introduce a minimum unit price per unit of alcohol of 50p. At a stroke a three litre bottle of Frosty Jack's would jump to at least £11.50. However neither the current nor past government have pursued this measure in spite of it being strongly supported by the former Chief Medical Officer Sir Liam Donaldson, the Association of Chief Police Officers, the Alcohol Health Alliance, the Campaign for Real Ale and Tesco supermarket. We would urge that this policy be re-considered.

2) At the moment the lower tax band for cider is much lower compared to beer and extremely wide, stretching from 1.2 to 7.5% abv. Those who work with heavily dependent drinkers and even some in the cider industry see a difference in health outcomes from those drinking below 5% abv.

This suggests a clear need to link cider duty to beer duty introduce a new tax band for any ciders above 5.0% abv, which needs to be at a considerably higher rate if it is to impact on the price of white ciders. The intention would be to deter production of ciders above 5% abv and provide a strong duty 'penalty' for producing ciders above this level.

3) Cider gets significant tax breaks in order to protect the traditional cider industry, due to higher production costs and to allow for investment in lengthy cider apple orchard development. We are in favour of continuing this policy. However, there seems to be no

reason why producers that use *imported* culinary concentrate should benefit from these tax breaks, particularly if this is one of the factors that keeps white ciders so cheap. This is a complicated matter as such concentrates are also used in some other industrial cider production, but HM Treasury should investigate whether the use of imported apple concentrate can be taxed differently.

4) The move to a 35% minimum juice standard has been a useful first step, but consideration should be given as to whether this is sufficiently high.

5) The large size of white cider bottles is clearly part of the problem. We would recommend a ban on cider at a greater strength than 5.0% abv being sold in any container larger than one litre.

6) The Licensing Act 2003 should be amended to include an objective to protect public health, which would allow local authorities to take the level of alcohol-related health harm into consideration when making licensing decisions, with an option to ban the sale of super-strength drinks across their locality.

7) The Portman Group should set an example by publicly supporting an end to the production of white ciders and encourage their members to cease making it.

8) Finally, government must protect alcohol services funding to ensure support and provision for street drinkers.

It is our sincere hope that for the benefit of the street drinkers we interviewed and those who may follow in their footsteps that both government and the drinks industry reconsider whether there is a place in society for the continued presence of strong cheap ciders which are solely used for the purpose of instant intoxication.

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White Cider and street drinkers

Recommendations to reduce harm

This research project seeks to examine the impact of white cider on dependent drinkers. It examines the history, production and taxation of white cider, and considers the implications for future taxation, health and homelessness policies.



EADT24

Ipswich: Reducing the Strength campaign hailed at national conference in Wherstead



Back row from left to right: Chief Inspector Andrew Mason, Simon Aalders, Mike Nicholas, David Paterson, Shane Brennan. Front row from left to right: Henry Ashworth, David Ellesmere, Roger Grosvenor.

Wednesday, March 5, 2014
1:52 PM

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A national summit held in Ipswich to celebrate the pioneering effort to banish the sale of super-strength, low-cost alcohol in the town was a "fantastic success", police said.

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More than 200 delegates from across the UK heard how the Reducing the Strength initiative has successfully tackled street drinking in the town.

The trailblazing project was set up by police and partner agencies including the East of England Co-op. Since it began it has attracted the attention of constabularies and councils throughout Britain.

Some have already replicated the scheme which aims to prevent the excesses of street drinking, make a better environment for the public and businesses, and help vulnerable alcoholics into rehab.

Organisations from across the country and representatives from the drinks' industry gathered at Wherstead Park, Wherstead, for the first national Reducing the Strength conference on Tuesday.

Delegates heard how the voluntary initiative in Ipswich has achieved significant results as part of a wider campaign tackling street drinking in the town.

Two thirds of the town's 147 off-licensed stores are now signed up to the initiative and the number of reports of street drinking in the town continues to reduce.

The conference heard how the number of recognised members of the street drinking community has reduced by more 50%, dropping from 70 in 2011 to 31.

Since the launch of the campaign in September 2012, organisers have been inundated with requests for information and assistance from police forces and councils across the UK that have been looking to emulate its success.

Chief Inspector Andrew Mason said the conference was a "fantastic success".

He said: "We are delighted with the number of people who attended from all over the UK, and with the extremely interesting presentations given by experts from organisations affected by Reducing the Strength.

"It was important for us to hold this event as a chance to give all the people who have shown an interest a comprehensive update on why we introduced the campaign, how we did it, and what it has achieved.

"But also, crucially, we wanted to host an interesting debate on the range of issues and debates it has initiated and to clarify our specific aims and intentions.

"We identified a serious problem with street drinking in Ipswich, which was affecting individuals and communities and we had to take action.

"We have worked with our local businesses and asked them to join us, voluntarily, in removing specific products from their shelves."

Presentations were delivered by a spokesman for the association of convenience stores, the head of public affairs and corporate responsibility for Heineken UK, and the chief executive of the Portman Group – the responsibility body for drinks producers in the UK.

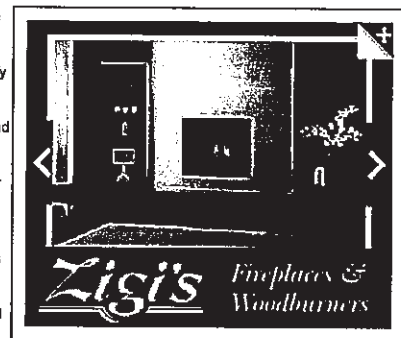
In addition a representative from Thames Reach, a London-based charity helping the homeless and vulnerable, addressed the audience.

Speakers also included Chief Inspector Andrew Mason, of Suffolk Constabulary, who has been one of the main driving forces behind the Reducing The Strength campaign, along with Roger Grosvenor of East of England Co-op and Ipswich Borough Council leader David Ellesmere.

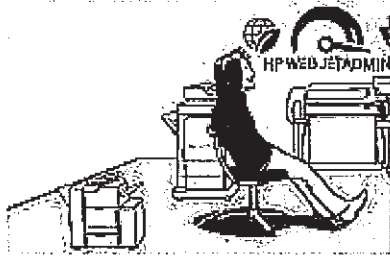
Ch Insp Mason added: "The local problems experienced by the delegates who attended on Tuesday will differ widely, but the community issues caused by street drinking and the consumption of super-strength alcohol are very similar in all areas.

"I hope delegates have been able to take away some ideas and considerations for tackling issues in their towns and cities.

"We have seen our campaign spread out to Lowestoft, Bury St Edmunds and Haverhill and will be looking to further roll it out across Suffolk."



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That's it, jump on the band wagon... increase the price per unit of alcohol so that those who exhibit control are tarred with the same brush as problem drinkers and "street drinkers" (a dismissive derogatory term IMHO). Increase the profit for the taxman and the monopoly breweries, and reduce choice for the ever squeezed masses..... very socially responsible of you (NOT), and all for the price of free publicity.

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Vincent Quill

Wednesday, March 5, 2014

It is not only "street drinkers" who have addiction problems with the super strength but low price alcohol. I know a lad in his 20's who gave up his job because he could not function at work due to his drinking of these big bottles of cheap cider and he lives at home with family.

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The original Victor Meldrew

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Alcohol Harm: Reducing the Strength in Plymouth

A new project is being launched this week to help reduce alcohol related harm in Plymouth.

Reducing The Strength is a new scheme which aims to encourage retailers to stop selling very cheap, high percentage lagers, beers and ciders, in their shops, which should contribute towards reducing alcohol related crime and health costs in the city.

A launch event for Reducing the Strength takes place at the Plymouth Albion grounds on Friday 3rd October from 10am to 12pm.

The scheme is a joint initiative between Plymouth City Council, Shekinah Mission, Harbour Centre (Plymouth), Plymouth Hospitals NHS Trust, Plymouth Herald, Safer Plymouth, Northern Eastern and Western Devon Clinical Commissioning Group, and Devon & Cornwall Police. It forms part of Plymouth's five year Alcohol Strategy.

John Hamblin, Chief Executive of Shekinah Mission, the charity which provides support to vulnerable adults in Plymouth, said: "On a daily basis Shekinah witnesses the devastating impact that alcohol abuse has not only on individuals, but also on families and the local community. Whilst there is no simple answer to this, removing from sale, low cost high strength alcohol would be small step in the right direction."

"One single 500ml can of 9% super strength lager contains four and a half units of alcohol – clearly exceeding the Government's daily recommended safe alcohol limit for men and women. In some shops these are being sold for £1."

Chief Superintendent Andy Boulting, Plymouth Police Commander, said: "I fully support this positive initiative and encourage all city retailers to participate.

"Alcohol misuse is a massive problem for the health and safety of those consuming excessive alcohol or alcohol of excessive strength. The impact is also devastating for the families, children

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and communities affected. We know that this ruins lives and is too often the cause of crime and antisocial behaviour.

"Working together to reduce the levels of consumption through the responsible restriction on the availability of low cost super strength alcohol is to be welcomed and championed."

Councillor Sue McDonald, Cabinet Member for Children, Young People and Public Health at Plymouth City Council, said: "The key drivers for Reducing the Strength, are to address health harms and the disproportionate impact on the most deprived individuals and communities, and to address crime and disorder and public nuisance in certain areas of the city."

Dr Kelechi Nnoaham, Director of Public Health for Plymouth City Council added:

"In Plymouth the number of people being admitted to hospital because of alcohol has been increasing year on year.

"In 2012/13 there were 5,451 hospital admission episodes due to alcohol. It is estimated that the cost to the health system in Plymouth is around £27m every year.

"The statistics are shocking. But as a local retailer, the good news is there is something you can do about it.

"We would urge local retailers to come and join us at our launch event on Friday. We can make a difference to the health and wellbeing of people in Plymouth.

"This is only one measure and we will need to continue to do other work such as providing alcohol education in schools, working with bars and clubs to promote responsible drinking, and providing support and treatment to those who need it."

The event is open to all or for more information go to www.plymouth.gov.uk/reducingthestrength

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Alcohol misuse 'not acceptable' as figures show it costs every adult in Devon and Cornwall £64

By Herald Express (<http://www.torquayheraldexpress.co.uk/people/Herald-Express/profile.html>) | Posted: October 26, 2014

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FIGURES that show alcohol misuse costs every adult in Devon and Cornwall £64 and caused 758 deaths are not acceptable, according to Police and Crime Commissioner Tony Hogg.

The figures, from the charity Alcohol Concern show that in Devon and Cornwall, in the year leading up to April 2013, alcohol causes 758 deaths, 314,000 hospital admissions, a bill for £21.8m for non-emergency hospital treatment and cost every adult in the two counties £64.

In response to the figures, Mr Hogg said: "It is clearly time for everyone in the South West to take responsibility for their own use of alcohol.

"For many months I have spoken about the horrendous harm caused by the misuse of alcohol and these figures illustrate it is simply not acceptable.

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"These avoidable demands are being met by the public at large – the costs of caring for, and the harm caused by, drunks is being paid for by many who never drink in anything other than moderation.

"So on most evenings our casualty units are full of drunken men and women injured through fighting, after falling down drunk or being beaten by a drunken partner at home.

"The excessive burden on the police, the ambulance service, on doctors and nurses has to change.

"If tax-payers want the police to protect their homes and their children they cannot be expected to spend time clearing up the mess left from drunken binges."

He added that in a recent Devon and Cornwall Police 'tweetathon' to highlight the demands alcohol places on policing every Friday and Saturday night the Force received over 60 calls an hour – that is one every minute.

Mr Hogg added that he wants people to look at how they drink and whether their drinking will put others or themselves at risk.

"If we continue to tamper at the edges of alcohol harm we risk losing the ability to care and protect our elderly, our vulnerable and those who need our help

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