

APPENDIX E

Collected appendices to the Area Licensing Practitioner's report

**Somerset West
and Taunton**

Licensing
Somerset West and Taunton Council, PO Box 866
Taunton, TA1 9GS
Email: enquiries@somersetwestandtaunton.gov.uk
Telephone: 0300 304 8000
Website: www.somersetwestandtaunton.gov.uk

APPENDIX 1

Ms Anna Kubiszyn-Michalik
Stokrotka Taunton Limited
5A East Reach
Taunton
Somerset
TA1 3EN

9th March 2021

Dear Ms Anna Kubiszyn-Michalik

RE: Stokrotka, 5A East Reach, Taunton – Application to transfer the premises licence

Following on from the application to transfer the premises licence, please find enclosed the premises licence and premises licence summary.

Please be advised that at the moment you are unable to sell alcohol from the premises until you have made an application to vary the designated premises supervisor (DPS) as the previous DPS informed us that they no longer wish to continue to be the DPS.

Please find below the link to Somerset West and Taunton Council's webpage where you can make this application.

<https://www.somersetwestandtaunton.gov.uk/licensing/alcohol-entertainment-licensing/>

Once the application to vary the DPS has been received sales of alcohol from the shop can commence.

Please ensure that premises licence summary is displayed in a prominent position on the premises. The premises licence or a certified copy should also be kept on the premises.

If you have any queries relating to this email then please do not hesitate to contact Licensing.

Yours sincerely

Leeann Leeds
Case Manager - Licensing

Somerset West and Taunton

Somerset West and Taunton Council
PO Box 866
Taunton
TA1 9GS

Email: Enquiries@somersetwestandtaunton.gov.uk
Website: www.somersetwestandtaunton.gov.uk
Telephone: 0300 304 8000

Premises Licence

Premises licence number
LPP/000478

Part 1 – Premises details

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

Stokrotka
5a East Reach

Post town Taunton

Post code TA1 3EN

Telephone number 07737 977213

Where the licence is time limited the dates

NOT APPLICABLE

Licensable activities authorised by the licence

Sale by retail of alcohol for consumption off the premises

No alcohol can be sold until an application to vary the DPS has been received by the Licensing Authority

The times the licence authorises the carrying out of licensable activities

Monday to Sunday from 8am to 10pm

The opening hours of the premises

Monday to Sunday from 8am to 10pm

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

Off supplies

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Stokrotka Taunton Limited
5A East Reach
Taunton
Somerset
TA1 3EN

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

Not applicable

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

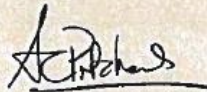
No alcohol can be sold until an application to vary the DPS has been received by the Licensing Authority

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

No alcohol can be sold until an application to vary the DPS has been received by the Licensing Authority

This licence will take immediate effect, replacing the licence dated 17th October 2016

Dated: 5th March 2021



Director of External Operations and Climate Change

RESTRICTED (when complete)

MG11

APPENDIX 2

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of Nicola Cooper

Age if under 18 Over 18 (if over insert 'over 18') Occupation Police

This statement (consisting of 1 page(s), each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature Nicola Cooper

Date 15th May 2021

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Nicola Cooper, Area Licensing Practitioner of the Avon and Somerset Constabulary, in whose area the premises known as Stokrotka of 5a East Reach, Taunton TA1 3EN are situated, and I am authorised to exercise our statutory functions as a 'Responsible Authority' under the Licensing Act 2003.

On the 15th March 2021 I received a report of an underage sale of alcohol from the premises known as Stokrotka of 5a East Reach, Taunton TA1 3EN and I obtained details of the complainant. I subsequently contacted the informant by telephone on the 19th March 2021 and discussed the matter at length. Full details were provided to me in writing but I am withholding that information in order to protect the complainant and young people concerned who wish their details to remain private. I believe the details given to me are true and correct as follows:-

At about 4pm on 14th March 2021 a young person was found in Taunton semi-conscious after being sick. An ambulance was called and the patient was taken to A&E at Musgrove Park Hospital and later discharged after treatment. Following investigation 2 young people have stated that they went to Stokrotka, the Polish Shop in Taunton at about 1.00pm. They also referred to the premises as the "green one" and said "it is the place to go in Taunton to buy alcohol as they never ask for ID". They had been told where to go to buy it, no questions asked. There are three European shops close to each other at this location, two are red and I can confirm that Stokrotka is painted Green. The young people were aged 15 and 16 years and they went into Stokrotka and purchased 1Litre bottle of vodka and paid in cash. It was around £16.00. They were not asked for ID. They said the sale was made by a Male approx. 25 yrs old. They consumed the alcohol in French Weir Park. The matter was reported to Police the next day on 15th March 2021.

This information was reported to us by a professional in their duty to safeguard children and I believe the information to be true and correct. Any details that may identify the informant or the children have been withheld but this information is available to the Licensing sub-committee on request.

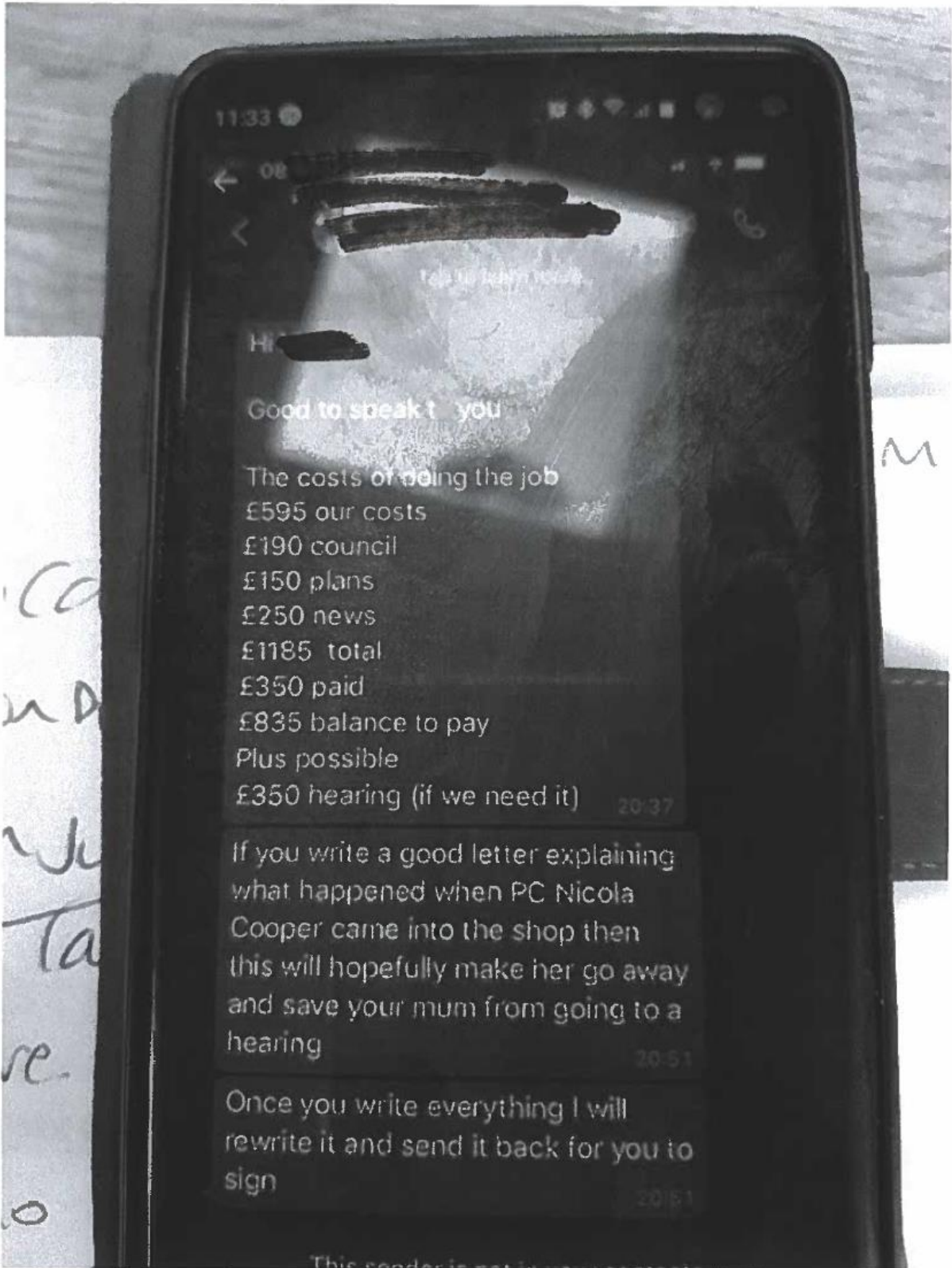
Signature: Nicola Cooper

Signature witnessed by:

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APPENDIX 3



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APPENDIX 4

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of Amy BORTHWICK

Age if under 18 **Over 18** (if over insert 'over 18') Occupation **Police Community Support Officer**

This statement (consisting of 2 pages, each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature A.Borthwick

Date: 15/05/2021

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Police Community Support Officer 6266 Amy BORTHWICK of Avon and Somerset Constabulary and I am currently based at Taunton Police Station on the Taunton Central beat team.

On Thursday 25th March 2021 at approximately 1200hrs, I attended Stotrotka on EAST REACH in Taunton in company with Police Community Support Officer 9107 Alexandra BYRON as requested by Nicola COOPER the Police Licensing Practitioner. The purpose of the visit was to try and review the CCTV in relation to a report whereby alcohol had been sold to 2 underage females.

Upon attending, I noted in the shop that there was no signage for 'challenge 25' or anything similar. There were spirits behind the till and cans of alcohol in the fridge opposite. The manager came and spoke with me and gave me his name – Robert MICHALE. He said he owned the shop with his wife Anna but she was not there.

I asked Robert if he could show me the footage from Sunday 14th March 2021 at approximately 1300hrs so I could potentially identify witnesses to an offence that took place.

Signature: Amy Borthwick

Signature witnessed by:

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Page No 2 of 2

Continuation of Statement of: Sam Bushen

Robert said that the CCTV was not recording but when I asked if he could play the footage back, he said he could.

Robert pulled out a wireless mouse from under the counter and started clicking the buttons. He said he did not know how to work the system so I asked if I could try and he said no. Robert then hit the mouse on the counter a few times and said it was broken. I advised him he should look into getting it fixed.

I then left the store.

Signature: Amy Borthwick

Signature witnessed by:

2010/11

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APPENDIX 5

Nicola Cooper

From: Rendell, John [REDACTED]
Sent: 09 June 2021 16:02
To: Nicola Cooper
Subject: FW: MA/50965 - change DPS at Stokrotka - premises licence lapsed
Importance: High

Hi Nicola

See below.

John

John Rendell
Licensing Manager
Somerset West and Taunton Council

[REDACTED]
www.somersetwestandtaunton.gov.uk

From: Enquiries,
Sent: 25 March 2021 13:55
[REDACTED]
Subject: MA/50965 - change DPS at Stokrotka - premises licence lapsed
Importance: High

Dear Mr Clarke

The Licensing Authority has been checking historic records connected with the premises at 5a East Reach, Taunton following a number of queries being raised by both your client and the Police.

Looking back, your client made an application to transfer the premises licence for 5a East Reach, Taunton from Daro Shop Ltd on the 25th of August 2020.

It has come to light that this company was dissolved on the 20th of March 2020, as the listing on the Companies House part of the Gov.uk website shows: <https://find-and-update.company-information.service.gov.uk/company/10332528>

Under section 27(1)(d) of the Licensing Act 2003, a premises licence lapses if the holder of the licence, being a company, is dissolved.

Under section 50 of the Act, there is the ability to reinstate a premises licence that has lapsed in such circumstances, but only where an application to transfer said licence is made within 28 days of that licence having lapsed.

Therefore, in the case of licence LPP/000478 for 5a East Reach, the licence had unfortunately lapsed many months before your client's application to transfer the licence was submitted and the application was therefore invalid.

It is unfortunate that the application was taken on face value and that a check of companies house was checks were not made at the time. It is only right of course that we will arrange for your client to be refunded the £23 transfer fee, plus annual fees paid during that period and for you to be refunded the £23 fee for the application to specify a new DPS.

This of course leaves us in a position where your client still does not have authorisation under the Licensing Act 2003 to supply alcohol at 5a East Reach. Indeed, this can now only be rectified by your client submitting an application for a brand new premises licence:

<https://www.somersetwestandtaunton.gov.uk/licensing/alcohol-entertainment-licensing/premises-licence/apply-premises-licence/>

All alcohol should be removed from the shop area of the premises that the public have access to, until such time as a new licence is granted.

Please acknowledge receipt of the email and that your client has been made aware.

Kind regards

John Rendell
Licensing Manager
Somerset West and Taunton Council
enquiries@somersetwestandtaunton.gov.uk
0300 304 8000
www.somersetwestandtaunton.gov.uk

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APPENDIX E

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WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of Gary Pethick

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Signature Date 27th May 2021

Tick if witness evidence is visually recorded (supply witness details on rear)

I am PC 2187 Gary Pethick of the Avon and Somerset Constabulary currently stationed at Taunton Police Station.

I am currently working in a Neighbourhood Policing Role. This involves working in the community with partner agencies to identify emerging trends.

I was recently contacted by Somerset West and Taunton CCTV operatives regarding a pattern of behaviour involving identified persons in Taunton town centre appearing to be selling stolen goods at an identified premises. The premises being Stokrotka, East Reach, Taunton. They identify as a convenience store who specialise in Polish food items.

I have viewed CCTV footage from the 3rd April 2021 covering the times of 1032hrs to 1040hrs.

Upon viewing the footage I have seen the identified female who is a known town centre shoplifter. She was in the company of a male outside of Lidl, Wood Street, Taunton. The male is also a known shoplifter. The footage shows them removing a basket full of what appears to be joints of meat. By leaving the store with a basket and in an obvious rush it would suggest that the items were stolen. The male on the bike takes the basket and leaves the area crossing the council car parks and disappearing from camera view.

A short time later she appears on a bike with 2 large shopping bags on the shoulder. CCTV operatives have been able to track most of her movements through the town centre and she is tracked to East Reach. She goes in to Stokrotka leaving her bike propped up outside.

The female was in the store for 8 minutes and left with a small item in her hand and was no longer in possession of the bags. She was seen with something in her hand that could only be small enough to be money, or similar sized item. She then cycled off.

I have visited the store at a later date and spoke to the manager, Anna. I have asked her about CCTV but she stated that she did not have any ability to record and the cameras present were for monitoring only. She stated that the layout of the store meant that any suspicious persons who enter the store have to pass the till point and are turned away immediately. She also confirmed that she was working that day.

Signature:

2010/11

Signature witnessed by:

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Page No 2 of 2

Continuation of Statement of: Gary Pethick

I have explained the behaviour of the identified female in the store and asked if she could explain for her presence for 8minutes. I have asked if the contents of the bag were sold in the store, and she denied this. But she was unable to account for the presence of the female in the store, saying perhaps the meat was sold to another customer.

Anna has allowed a look around the store and the staff only storage areas. No items branded from other stores was located.

Anna was told about the concerns of the Police around her, the business and the expectations to operate responsibly if she wished to apply for a licence to sell alcohol.

Signature:

Signature witnessed by:

2010/11

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APPENDIX 7

— Dan
—
Daniel

ZŁODZIEJE

Blondynka	- 4.05	- 2:30
Maty na rownie	- 18.05	- 1-2
ciężkie włosy kucyk		
szczęśliwa z plec	- 19.05	- 1:50
ciężkie włosy	- 24.05	- 16:00