



**LICENSING ACT 2003
NOTICE OF REVIEW OF PREMISES LICENCE**

An application has been made by **THE LICENSING AUTHORITY** to **REVIEW** the premises license held by **Ecaterina Mocanu** at:

180A QUEENSWAY, BLETCHLEY, MILTON KEYNES, MK2 2SW

On the grounds of:

THE PREVENTION OF CRIME AND DISORDER

PUBLIC SAFETY

THE PREVENTION OF PUBLIC NUISANCE

THE PROTECTION OF CHILDREN FROM HARM

Any responsible authority or other person (such as a local resident or business) may make a representation in writing to The Licensing Team, Milton Keynes Council, Civic Offices, 1 Saxon Gate East, Milton Keynes, MK9 3EJ or email: licensing@milton-keynes.gov.uk

**REPRESENTATIONS TO THIS APPLICATION BE MADE IN WRITING
BETWEEN 19 NOVEMBER 2021 AND NO LATER THAN 16
DECEMBER 2021**

Representations received will, unless agreed otherwise, be made available for public inspection and disclosed to the licence holder and other relevant responsible authorities. Representations must relate to one or more of the licensing objectives (namely crime and disorder, public nuisance, public safety, or protection of children from harm.)

It is an offence to knowingly or recklessly make a false statement in connection with an application and an unlimited fine is liable on summary conviction for the offence.

Dated 18 NOVEMBER 2021.

Notice to remain displayed until 17 DECEMBER 2021

**Application for the review of a premises licence or club premises certificate under the
 Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Ed Fisher on behalf of the Licensing Authority at Milton Keynes Council

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the
 premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Food4Less / Transylvania 180A Queensway	
Post town Bletchley	Post code (if known) MK2 2SW

Name of premises licence holder or club holding club premises certificate (if known) Ecaterina Mocanu

Number of premises licence or club premises certificate (if known) 139552

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below) **x**
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Mr E Fisher
Licensing Team
Milton Keynes Council
Civic
Saxon Gate East
Milton Keynes

Telephone number (if any)

01908 252409

E-mail address (optional)

Eddie.fisher@milton-keynes.gov.uk

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

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

As a responsible authority under the Licensing Act, I am submitting a review application due to a number of concerns I have at this premises.

In summary there appears to be a lack of responsibility for alcohol supply at the premises.

The holder of premises licence is no longer connected to the premises; the Designated Premises Supervisor specified on the licence is no longer connected to the premises; the staff on site do not understand the controls and steps they should take in terms of the responsible retail supply of alcohol; despite efforts to find a responsible person there appears no one able to take responsibility for the licence; conditions on the licence are not being complied with; and alterations have been made without consent.

The premises have not at this stage acted on informal and formal warnings about the situation.

In my opinion failing to comply with the terms of a licence undermines the licensing objectives and so a licence should no longer be in place.

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

The premises licence at 180A was granted in 2016 and has been in the name of Ecaterina Mocanu since 2017. At that time the premise was known as Food4Less and the licence remains in that name. See Annex A. The premises have subsequently changed its name to Transylvania and continues to sell alcohol.

In September 2021 the licence was suspended for failing to pay the annual licence fee and although that was paid, and the suspension lifted it became apparent that individuals detailed on the licence were not now connected to the premises.

For example, the staff have never heard of Ms Mocanu the premises licence holder. I have subsequently written to her at her home address on several occasions regarding the premises and she has verbally confirmed to me that she is nothing to do with the premises anymore. She has however not surrendered the licence, so it remains in place in her name. The premise licence holder is responsible for the premise's compliance with the terms of the alcohol licence. If the licence holder is no longer connected to the premises there is a lack of responsibility.

The licence also specifies Mr Harvinder Singh as the designated premises supervisor (or DPS). The DPS is the person who has a personal licence at the premises and will normally have been given day to day responsibility for running the premises by the premises licence holder. Staff on site however have never heard of Mr Singh and he has not responded to communication to his home address. There are no other personal licence holders working at the premises and so there is a lack of supervision in respect of alcohol supply,

The licence contains a number of conditions – both mandatory and premises specific. Following visits to the premises made in October and November the following non-compliance has been identified.

Mandatory conditions

1. Every premises licensed for off sale of alcohol must have an age verification policy in place to ensure persons are over 18 to buy alcohol.

The premises have no policy and staff are unaware what this means.

2. Every supply of alcohol made needs to be made or authorised by a Personal Licence holder.

There is no personal licence holder associated with the premises that I can identify who works there. Therefore, at the moment every sale of alcohol is potentially an offence

Premises specific conditions

There is no challenge 21 system in place as per the condition.

There is no refusal log in place as per the condition.

There is no evidence of any training regarding alcohol supply as per the condition

It is not possible to verify compliance with the CCTV condition due to communication issues with the staff (although CCTV is in place)

Structure

When the licence was granted it was done so against a submitted plan. Responsible Authorities base their considerations on an application partly on the plan, because it shows layout, size and context. As a result, changes to layout require an update to the licence. Annex B shows the premises has been altered since 2019 including a change to means of escape at the rear. There has been no notification to the Licensing Authority about this and so the premises are in breach of their licence.

Context

Prior to submitting this application, I have tried to engage with management of the shop to see if they would transfer the licence, change the DPS, and address the non-compliance etc. This has not been successful. There does not appear to be a manager on site and the staff have a poor understanding of English, so communication is difficult.

An examination of the licensing history shows that in 2019 the premises were advised that the licence and DPS needed to potentially be changed – this may link in with the change of premises to Transylvania. The premises therefore appear to not have acted on informal warnings previously on this matter.

Further prior to submitting this review I have written several times to both the premises licence holder, the premises and by email to the potential person responsible for the premises that the licence is not being complied with. None of these have resulted in any meaningful actions.

A warning was given that the licence would be reviewed if compliance measures were not taken. This review is not therefore a first resort.

Please tick ✓ yes

Have you made an application for review relating to the premises before

No

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Not applicable

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature E Fisher
.....

Date 18.11.21
.....

Capacity Licensing Officer
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) eddie.fisher@milton-keynes.gov.uk	

MKC collect and use information about you so that we can provide you with council services. Full details about how we use this data and the rights you have around this can be found at www.milton-keynes.gov.uk/privacy. If you have any data protection queries, please contact the Data Protection Officer at data.protection@milton-keynes.gov.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Reviewed September 2018

Annex A



Milton Keynes Licensing Authority
Civic Offices, 1 Saxon Gate East, Milton Keynes, MK9 3EJ
Premises Licence

Premises licence number	139552
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Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description			
Food 4 Less 180a Queensway Bletchley			
Post town	Milton Keynes	Post code	MK2 2SW
Telephone number	01908 990962		

Where the licence is time limited the dates	
Issue Date:	22nd July 2016
Start Date:	17th November 2019
Expiry date	None
Licence Period:	unlimited

Licensable activities authorised by the licence
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities	
<u>Supply of Alcohol</u>	
Monday to Sunday	09:00 to 22:00

The opening hours of the premises	
Monday to Sunday	09:00 to 22:00

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

Part 2

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

Ecaterina Mocanu

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

n/a

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

Mr Harvinder Singh

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

**MK00087305
Milton Keynes Council**

Annex 1 - Mandatory conditions

- 1.1 No supply of alcohol may be made where there is no designated premises supervisor in respect of the licence, or when the designated premises supervisor does not hold a personal licence or it is suspended.
- 1.2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 1.3 (1) The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 1.4 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out above
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula $P = D + (D \times V)$ where
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (a) Sub-paragraph (b) below applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax. (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

INFORMATIVE:

Paragraph 3 provides that the permitted price is rounded up to the nearest penny.

INFORMATIVE:

Paragraph 4 provides that a change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

Annex 2 - Conditions consistent with the Operating Schedule

- 2.1 An adequate CCTV system will be maintained operational to a standard that satisfies Thames Valley Police. The system will record at all times whilst the premises are providing licensable activities. All recordings shall be stored for a minimum period of 28 days with date and time stamping. Recordings shall be made available upon the request of the Police, Local Authority or Licensing Authority.
- 2.2 An effective 'challenge 21 policy' shall be implemented and maintained in place at the premises. Any persons appearing to be under the age of 21 who attempts to purchase alcohol must be challenged in respect of their age and required to provide adequate proof that they are over the age of 18 before they are sold or supplied with alcohol.
- 2.3 Only photographic based forms of identification shall be accepted as proof of age in respect of suspected underage sales. These must be accredited to the PASS scheme or subsequent equivalent but could also include passport, HM forces ID card, driving licence, national ID card
- 2.4 A refusal log to record all attempts to purchase alcohol that were refused shall be kept on site and all refused sales recorded. The log shall be provided to the Police, the Local Authority or the Licensing Authority on request.
- 2.5 All persons involved in alcohol sales must receive full and adequate training on the law relating to underage sales and a written record of the training each person has received shall be maintained. Regular refresher training is also to be given and

recorded. The training records / log are to be kept on site and shall be provided to the Police, the Local Authority or Licensing Authority on request

- 2.6 Persons under the age of 16 years will not be permitted on the premises after 2000hrs unless they are accompanied by an adult.

Annex 3 - Conditions attached after a hearing by the licensing authority

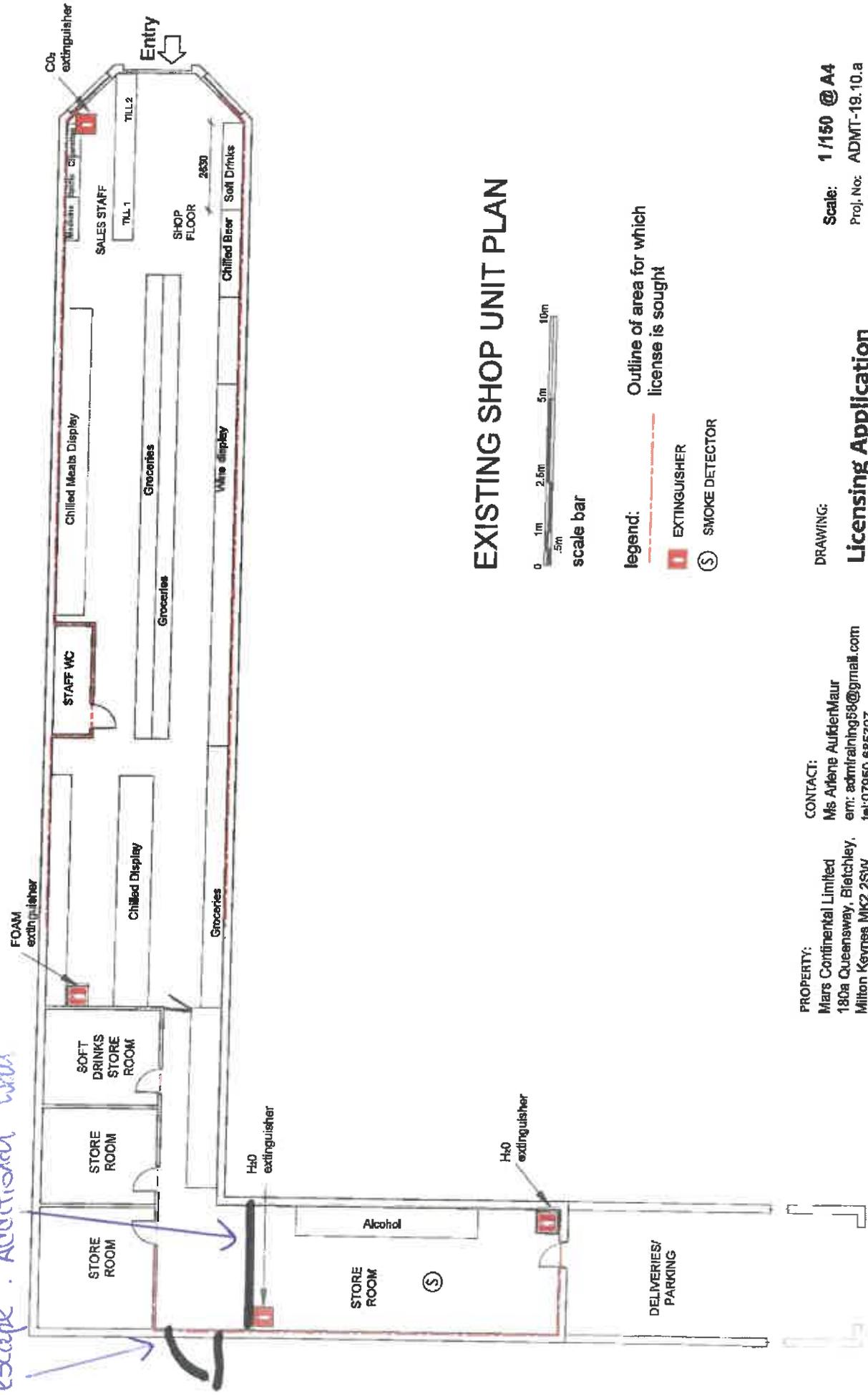
None

Annex 4 – Plans

See attached plan with our reference number MK139552/01/17112019

ANNEX B

Additional / revised fire escape. Additional walls



EXISTING SHOP UNIT PLAN

- Legend:
- Outline of area for which license is sought
 - EXTINGUISHER
 - Ⓢ SMOKE DETECTOR

Scale: 1/150 @ A4
 Proj. No: ADMT-19.10.a
 DWG No: GA-01

DRAWING:
Licensing Application

PROPERTY:
 Mars Continental Limited
 180a Queensway, Bletchley,
 Milton Keynes MK2 2SW

CONTACT:
 Ms Ailene AulferMaur
 em: admtraining58@gmail.com
 tel: 07950 686397

MKC 139552/01/17/11/2019