

# Public Document Pack

To all Members of the

## LICENSING SUB-COMMITTEE

### AGENDA

Notice is given that a Meeting of the above Sub-Committee is to be held as follows:

**VENUE** Council Chamber, Civic Office, Waterdale, Doncaster, DN1 3BU  
**DATE:** Wednesday, 5th July, 2017  
**TIME:** 9.30 am

#### Items for Discussion:

- |   | <b>Page No.</b> |
|---|-----------------|
| 1. Apologies for Absence  |                 |
| 2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.                 |                 |
| 3. Declarations of interest, if any.  |                 |
| 4. Minutes of the Licensing Sub-Committee meeting held on 18th May, 2017.   | 1 - 2           |
| <b>A. Reports where the Public and Press may not be excluded.</b>   |                 |
| 5. Application for a Review of an Existing Premises Licence Bargain Beers, 248 Balby Road, Balby, Doncaster, DN4 0QH. | 3 - 40          |

**Jo Miller**  
**Chief Executive**

Issued on: Tuesday, 27 June. 2017

Governance Officer      Andrea Hedges  
for this meeting:        01302 736716

**Members of the Licensing Sub-Committee**

Chair – Councillor Ken Keegan

Councillors Iris Beech, Bev Chapman and Steve Cox

# Public Document Pack Agenda Item 4

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### LICENSING SUB-COMMITTEE

THURSDAY, 18TH MAY, 2017

A MEETING of the LICENSING SUB-COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on THURSDAY, 18TH MAY, 2017, at 9.30 am.

#### PRESENT:

Chair - Councillor Ken Keegan

Councillors Bev Chapman, Charlie Hogarth and Sue McGuinness.

#### 1 DECLARATIONS OF INTEREST, IF ANY

No declarations of interest were made at the meeting.

#### 2 MINUTES OF THE LICENSING SUB-COMMITTEE HELD ON 3RD MAY, 2017

RESOLVED that the minutes of the Licensing Sub-Committee meeting held on 3rd May, 2017 be approved as a correct record and signed by the Chair.

#### 3 APPLICATION FOR A PREMISES LICENCE - GET IN THE SPIRIT, 20 STATION ROAD, ASKERN, DN6 0JA

The Sub-Committee considered an Application for a new premises licence in respect of 'Get in the Spirit', 20 Station Road, Askern, Doncaster, DN6 OJA.

The Sub-Committee Members, the Applicant, the persons making representations and Responsible Authorities had received the agenda prior to the meeting. Copies of the representations were attached at Appendix E to the report.

At the commencement of the meeting, the Chair made introductions and outlined the procedure to be followed.

In presenting the report, the Licensing Officer informed Members that after receiving the notice of the hearing, one of the persons making representations had contacted the Licensing Office, stating that they had no knowledge of the objection and denied signing the document. As a result, this person's objection had been withdrawn.

The Applicant made representations regarding his application and answered questions.

All parties were then asked to leave the Council Chamber, to allow the Members of the Sub-Committee to deliberate on the application.

The Committee reached the following decision:-

RESOLVED that the Licensing Sub-Committee, having considered an Application for a new Premises Licence for 'Get in the Spirit', 20 Station Road, Askern, Doncaster, DN6 OJA', and having taken into account the relevance of the written representations made and the evidence presented

at the meeting, the steps that are appropriate to promote the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy, decided to grant the application in the terms set out in Appendix B of the Agenda.

The Sub-Committee made its decision for the following reason:-

The interested parties did not attend, but submitted in their written representations that a further licenced premise would add to problems of crime, disorder and public nuisance.

The applicant submitted that there had been no problems with the premises during the time they had been operating with Temporary Event Notices and they felt some of the representations were vexatious. Furthermore, they noted that the area is not in a Cumulative Impact Area.

The Sub-Committee found that the Applicant showed a commitment to promoting the licensing objectives both in the operating schedule and in their representations today. Also, the Sub-Committee noted that there had been no representations by any of the responsible authorities such as the Police or Environmental Health.

CHAIR: \_\_\_\_\_

DATE: \_\_\_\_\_



## **To the Chair and Members of the Licensing Sub-Committee**

### **Licensing Act 2003 – Application for a Review of an Existing Premises Licence**

**Bargain Beers, 248 Balby Road, Balby, Doncaster, DN4 0QH**

#### **EXECUTIVE SUMMARY**

1. To request that members of the Sub-Committee determine the application for a review of an existing premises licence in respect of Bargain Beers, 248 Balby Road, Balby, Doncaster, DN4 0QH. The procedure for considering the application is set out at Appendix A.

#### **RECOMMENDATIONS**

2. It is recommended that the Sub-Committee determine this application having regard to the representations made and the evidence before it.

#### **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER**

3. The Licensing Act 2003 requires the Licensing Authority to exercise its obligations on applications for a review of a premises licence.

#### **BACKGROUND**

4. The premises concerned are currently licensed to sell alcohol for consumption off the premises, Monday to Sunday 09.00 - 21.00.
5. The application for a review of the premises licence has been brought by a Responsible Authority, Trading Standards, in relation to 'the prevention of crime and disorder' and 'public safety' licensing objectives.
6. A summary of the application is attached as Appendix B to this report.
7. A location plan of the premises is attached at Appendix C.
8. A copy of the application is attached at Appendix D.
9. A copy of the premises licence is attached at Appendix E.
10. A representation from a Responsible Authority, Environmental Health (Health

& Safety), in support of the review is attached at Appendix F.

11. A letter from South Yorkshire Police in support of the review is attached at Appendix G.
12. On 9th June 2017, during the consultation period for the review, applications were received to Transfer the Premises licence and vary the Designated Premises Supervisor (DPS) both with immediate effect to, Mr Mayilvahanam Ranjan.
13. On 14th June 2017, Mr Ranjan formerly withdrew both the Transfer and DPS applications, meaning that the Premises Licence reverts back to show that the licence holder and DPS are Kulwinder Singh Wadhwa.
14. Under the Licensing Act 2003, statutory guidance issued under section 182 of the Act and the Licensing Authority's statement of Licensing Policy, any licensing application under the Act, for a review of a premises licence must be determined by the Licensing Sub-Committee having regard to the evidence before it.
15. The applicant has indicated that a copy of the application for review was sent to the Premises Licence holder and Responsible Authorities.
16. Details of the application have been published on the Council website and displayed on a notice both at the premises and in the Civic Office.

### **OPTIONS CONSIDERED**

17. The Licensing Act 2003 requires the Licensing Authority to exercise its obligations on applications for a review of a premises licence, and therefore no other option other than to hold a hearing can be considered.
18. Where the Licensing Authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
  - Modify the conditions of the premises licence
  - Exclude a licensable activity from the scope of the licence
  - Remove the designated premises supervisor
  - Suspend the licence for a period not exceeding three months
  - Revoke the licence

### **IMPACT ON THE COUNCIL'S KEY OUTCOMES**

19.

	<b>Outcomes</b>	<b>Implications</b>
	All people in Doncaster benefit from a thriving and resilient economy.	It is recognised that Licensed premises are, quite often, businesses and places of employment.

	<ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Be a strong voice for our veterans</i></li> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	<p>The Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives, will have regard to this priority when making licensing decisions.</p> <p>The licensing objectives are:</p> <ol style="list-style-type: none"> <li>1. Prevent crime and disorder</li> <li>2. Prevent public nuisance</li> <li>3. Public safety</li> <li>4. Protection of children from harm</li> </ol>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	<p>The Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives (see above), will have regard to this priority when making licensing decisions.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	<p>It is recognised that Licensed premises are, quite often, businesses, places of employment and potential assets to the community.</p> <p>The Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives, will have regard to this priority when making licensing decisions</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	<p>None</p>
	<p>Council services are modern and value for money.</p>	<p>None</p>
	<p>Working with our partners we will provide strong leadership and</p>	<p>None</p>

	governance.	
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## **RISKS AND ASSUMPTIONS**

20. There are no risks or assumptions other than those referred to in the Legal Implications below.

## **LEGAL IMPLICATIONS**

21. Other than to ensure that the Licensing Authority complies with its obligations under the Licensing Act 2003 and associated Regulations there are no further legal implications.

## **FINANCIAL IMPLICATIONS**

22. The costs associated with the application and their determinations are met from fees paid to the Council by applicants for Premises Licences under the Licensing Act 2003 and there are no further financial considerations.

## **HUMAN RESOURCES IMPLICATIONS**

23. Not applicable

## **TECHNOLOGY IMPLICATIONS**

24. Not applicable

## **EQUALITY IMPLICATIONS**

25. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

## **CONSULTATION**

26. Copies of the application form have been sent to all relevant Responsible Authorities referred to in Section 53 of the Licensing Act 2003. These are:

South Yorkshire Police

South Yorkshire Fire and Rescue Authority

Doncaster Council – Licensing Authority



Doncaster Council - Planning Services

Doncaster Council - Health & Safety Enforcement

Doncaster Council – Environmental Protection - Enforcement

Doncaster Council - Trading Standards

Doncaster Safeguarding Children Board

Doncaster Council - Public Health

## **BACKGROUND PAPERS**

27. Doncaster Council's Statement of Licensing Policy 2016
28. Home Office Guidance issued under section 182 of the Licensing Act

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**PROCEDURE FOR CONSIDERING APPLICATIONS**

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**LICENSING ACT 2003**

**LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**INFORMATION FOR APPLICANTS AND OTHER PARTIES**

**1. Meaning of Expressions used in this Document**

<i>“the Act”</i>	- Licensing Act 2003
<i>“the Regulations” or any particular reference to a “Regulation”</i>	- The Licensing Act 2003 (Hearings) Regulations 2005
<i>“the Authority”</i>	- Doncaster Metropolitan Borough Council, in its capacity as the relevant licensing authority under the Act, or where the context so admits the Committee
<i>“the Committee”</i>	- the Sub-Committee of the Authority’s Licensing Committee constituted under the Act to determine the matter before it
<i>“the Chair”</i>	- the member of the Committee appointed to act as Chairperson of the Committee
<i>“the Applicant”</i>	- the party making the application e.g. the licence/certificate holder or prospective holder, or the party seeking a review
<i>“interested parties”</i>	- those living or working in the vicinity of the premises and who have made representations, or bodies representing them
<i>“responsible authorities”</i>	- the public or other bodies described in the Act as “responsible authorities” and who have made representations

## **2. Rights of attendance, assistance and representation at hearings**

- (a) A party may attend the hearing and may be assisted or represented by any other person. There is no requirement that a party's representative is legally or otherwise professionally qualified.
- (b) The hearing shall take place in public, unless the authority decides to exclude the public from all or part of the hearing because it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public. A party and any person assisting or representing a party, may be treated as a member of the public.
- (c) The Authority may exclude from a public hearing any person attending who acts in a disruptive manner, and refuse to re-admit that person, or impose conditions on his/her re-admission. Any such excluded person may, before the end of the hearing, submit to the Authority in writing any such information that he/she would have been entitled to give orally.
- (d) The Authority may dispense with a hearing if all of the persons required by the Act agree that a hearing is unnecessary, have given notice to the Authority that they consider a hearing to be unnecessary, and the Authority have given notice to all parties that the hearing has been dispensed with.

## **3. Non-attendance of a party at the hearing**

- (a) If a party has informed the Authority that he/she does not intend to attend the hearing, or be represented at the hearing, the hearing may proceed in his/her absence.
- (b) If a party who has not so notified the Authority does not attend either in person or by his/her representative, the Authority shall adjourn the hearing to a specified date if it considers it in the public interest to do so, but it shall otherwise proceed with the hearing in that party's absence.
- (c) Where the hearing proceeds in the absence of a party, the Authority shall consider the application, representations or notice made by that party.
- (d) Where the hearing is adjourned, the Authority shall forthwith, notify the parties of the date, time and place to which the hearing has been adjourned.

#### 4. Procedure at the Hearing

The hearing shall take the form of a discussion led by the Authority. The following procedure is intended to give form to such a discussion to ensure that all parties are able to put their case. Each party shall have equal maximum time in which to address the Committee. The Committee may take into account documentary or other information provided by a party before the hearing, or with the consent of all other parties at the hearing. The Committee may change the procedure in individual cases, upon the application of a party, or upon its own motion, if it considers it necessary to properly determine the business before it.

- (a) At the commencement of the hearing, the Chair will make introductions and establish that all parties understand the procedure to be followed. The Committee will then receive and determine any application that a party may wish to make to permit another person to appear at the hearing, and any application that any party wishes to make to vary the following order of addresses.
- (b) The Applicant may then address the Committee and provide any further information that the Authority have requested. At the conclusion of the Applicant's address, members of the Committee may ask the Applicant questions. Following questions by Committee members, any other party that wishes to question the Applicant may request permission to do so. If granted, the party or parties receiving permission may question the Applicant.
- (c) Other parties entitled to address the Committee or given permission to do so under paragraph (a) above, may then do so; and also provide to the Committee that the Authority have requested. Following the address, the members of the Committee may question the party addressing the Committee. Following any Committee questions, any other party wishing to question the party that has addressed the Committee may seek the Committee's permission to do so. If granted, the party or parties receiving permission may question the Applicant.

#### **Order of Addresses under paragraph (c)**

Subject to any direction given by the Committee under paragraph (a) above, the order of addresses by other parties, under paragraph (c) above, shall be:-

- [1] Any representative of a "responsible authority" (as defined in the Act)
- [2] Any other party opposing the Applicant
- [3] Any other party not falling within category [1] or [2] above, or category [4] below

[4] Any other party supporting the Application

### **Permission to question or cross-examine the Applicant or other party**

A party may question any other party appearing if given permission by the Authority.

The Committee will determine any application by a party to question another party on its merits.

Cross examination shall not be permitted unless the Authority considers that cross examination is required for it to consider the representations, application or notice, as the case may require.

The Committee shall determine any application by one party to permit cross examination of another on its merits.

Normally, permission will be given to one party to question or cross-examine another, only where:-

- (i) a material fact put forward by one party is disputed by another party and the dispute can be properly determined, only if cross examination is permitted; or
- (ii) the question that one party wishes to put to the other is non contentious and is for the purpose of clarification only.

### **5. The Committee's Deliberations and Determination**

- (a) The Authority considers that normally, it will be in the public interest that the deliberations of the Committee are conducted in private. Deliberations will take place in private unless, an application is made by any party present for these to be conducted in public. If any such application is made, the Committee shall determine such application.
- (b) Subject to paragraph (a) above, the Chair shall formally exclude the public including, the parties and their representatives from the meeting under Regulation 14(2), to enable the Committee to deliberate in private. The Committee shall deliberate only in the company of its legal adviser. The function of the legal adviser shall be to advise the Committee on points of law and procedure only.
- (c) If during its deliberations, the Committee require any further information from any party in order to assist in its deliberations, the Chair shall reconvene the public hearing for the purpose of attempting to secure that further information.
- (d) Following the Committee's deliberations, the public shall be re-admitted to the hearing, whereupon the Chair shall announce the determination of the Authority, where the provisions of the Act or the Regulations

require a determination to be made at the conclusion of the hearing, or otherwise where the Committee is unable to announce its determination.

- (e) Following the announcement of any determination of the application, representations or notice before the Committee, the hearing shall conclude.

## **6. Record of proceedings**

A record of the hearing will be taken in a permanent and intelligible form. Any such record will be kept for a period of six years from the date that the application or review is finally determined (including, in either case, any appeal or judicial review).

## APPENDIX B

**Name of Applicant: Mr Greg Bristol (on behalf of Trading Standards Responsible Authority)**

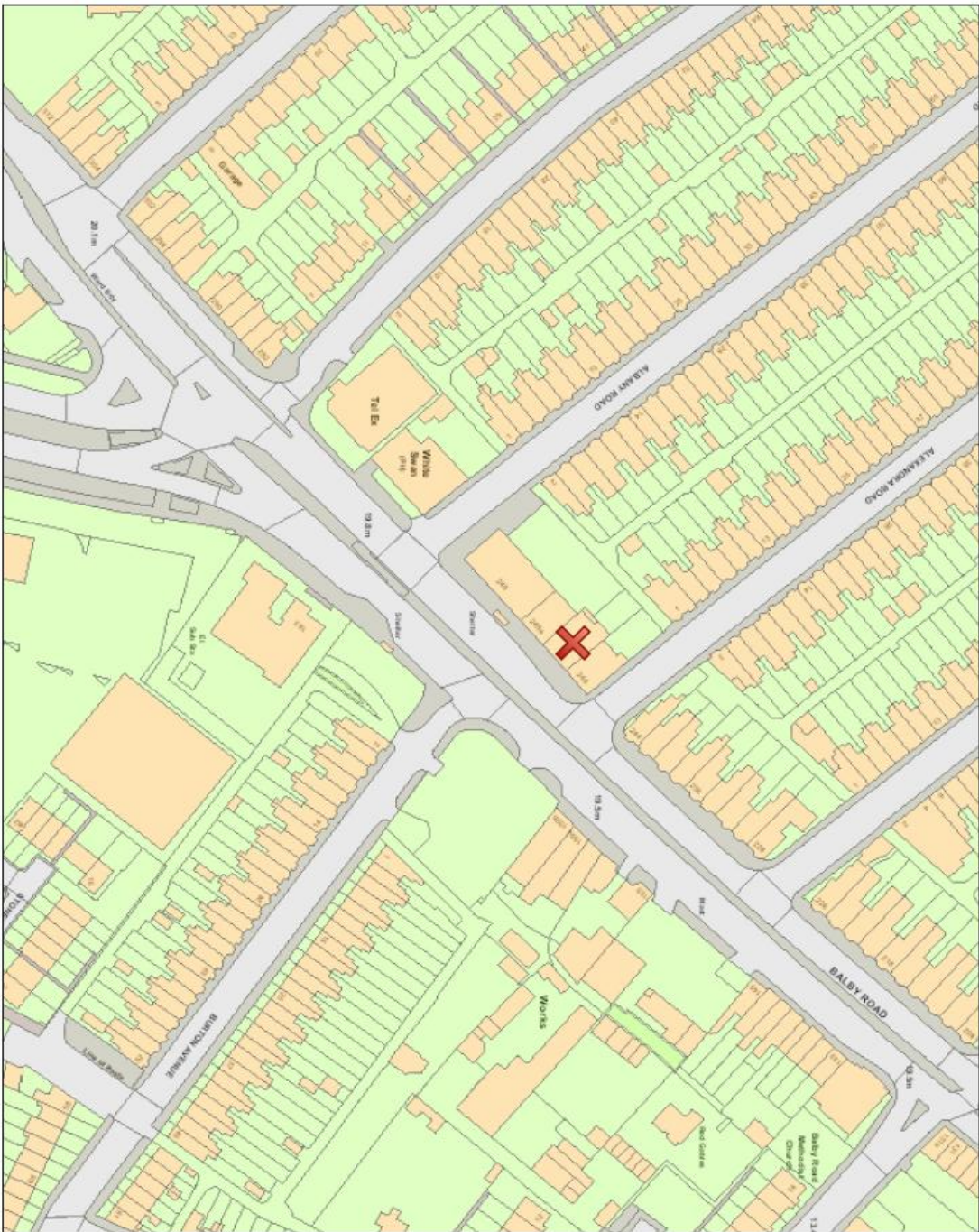
**Name of Premises: Bargain Beers**

**Address: 248 Balby Road, Balby, Doncaster, DN4 0QH**



1. On the 10th February 2017 the premises failed a test purchase operation for the sale of illicit tobacco.
2. On the 8th March 2017 officers from Doncaster Council while executing a warrant discovered and seized, from a vehicle linked to these premises, a significant quantity of illicit tobacco and cigarettes including some of which were shown to be counterfeit.

**Further information can be found in the Application for Review at Appendix D**

Ordnance Survey Location Plan



(c) Crown copyright. License Number 100019782. 2007.  
 (c) Copyright Geoinformation Group 1997, 2002, 2005 and 2007.

 <p><b>Doncaster</b> Metropolitan Borough Council</p>	<p>Key :   symbol identifies the premises.</p>	<p>Notes :                  Licence Number                  LN/201/400436</p>	<p>Title : Bargain Beers                  248 Balby Road                  Balby                  Doncaster DN4 0QH</p> <p>Completed By :                  D Smith</p> <p>Reference :                  WM/217/003322</p> <p>Date :                  13/08/2017</p> <p>Scale :                  1:1,563</p>
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## Doncaster Metropolitan Borough Council

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 **Greg Bristol***(Insert name of applicant)*

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

## Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description  
Bargain Beers, 248 Balby Road, Balby

Post town **Doncaster**Post code (if known) **DN4 0QH**

Name of premises licence holder or club holding club premises certificate (if known)  
Kulwinder Singh Wadhwa

Number of premises licence or club premises certificate (if known)  
LN/201400436

## 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)

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

Greg Bristol  
Tobacco and Alcohol Control Officer  
Trading Standards Service  
Civic Office  
Waterdale  
Doncaster  
DN1 3BU

Telephone number (if any)

**01302 737534**

E-mail address (optional)

Greg.Bristol@Doncaster.gov.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓



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

Illicit tobacco is being sold from Bargain Beers.

Sale of illicit tobacco is a crime:

- Illicit tobacco is often counterfeit, in breach of the Trade Marks Act 1994 s92(1)(c), which is punishable on summary conviction by up to twelve months in prison or a fine.
- Illicit tobacco is often unsafe, in that it will not self-extinguish and so can potentially cause fires. This is in breach of the General Product Safety Regulations 2005 R8(1)(c) and is punishable on summary conviction by up to three months in prison or a fine.
- The packaging of illicit tobacco often does not bear the correct health warnings in English as required by the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 (and the 2007 Amendment) in breach of the Consumer Protection Act s12, for which the maximum penalty on summary conviction is 6 months in prison or a fine.
- Illicit tobacco has evaded duty, in breach of the Tobacco Products Duty Act 1979 s8G. The products are commonly smuggled, in breach of the Licensing Act 2003 s144.

Sale of illicit tobacco undermines public safety:

- Cheap and illicit tobacco undermines any work to reduce smoking prevalence that the impact of taxation and other tobacco control measures put in place. Measures such as raising the age of sale to 18 and picture health warnings on packaging are rendered less effective whilst illicit tobacco exists.
- Cheap and illicit cigarettes are not made to safety standards. The cigarettes are unable to self-extinguish and have been implicated in house fires.

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

On 10 February 2017 a packet of “Amber Leaf” hand rolling tobacco was bought from Bargain Beers by a Council officer as part of a test purchase operation. The packaging did not bear the correct health warnings in English as required by the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 R7 and therefore did not comply with s12 of the Consumer Protection Act 1987.

On 8 March 2017 officers from Doncaster Council executed a warrant at Bargain Beers and seized a quantity of illicit tobacco and cigarettes from a car belonging to the Premises Licence Holder Kulwinder Singh Wadhwa. In total 5620 cigarettes and 0.45kg hand rolling tobacco from 17 brands were seized. In each case the packaging did not bear the correct health warnings in English. In addition 4 of the brands seized were shown to be counterfeit, in breach of s92(1)(c) of the Trade Marks Act 1994.

Officers had observed the premises on three occasions, each time seeing a shop employee walk to a car parked on Alexandra Avenue and return to the shop. This activity was observed during the test purchase, indicating the illicit tobacco sold in the shop was stored in the vehicle. The vehicle, a Vauxhall Zafira vrm NG56 ZWN, is registered to Kulwinder Singh Wadhwa.

Kulwinder Singh Wadhwa has not admitted to the sale or supply of illicit tobacco, claiming that the seized tobacco was for personal use. He cannot account for the sale of hand rolling tobacco to a test purchaser.

The attempt to conceal the product is a key factor. Storing illicit tobacco in a vehicle is a common modus operandi and the reasoning is a) to conceal the tobacco and b) if the tobacco is discovered to provide separation of the tobacco from the shop premises.

The quantities seized are normal for a shop selling illicit tobacco.

Sale of illicit tobacco is likely to have been continuing since at least November 2016 when the first observations were undertaken.

Kulwinder Singh Wadhwa was the premises licence holder of Balby Mini Market, 282 Balby Road, Doncaster DN4 0QF in September 2015 when HMRC raided the premises and seized a large quantity of illicit tobacco. The Trading Standards Service reviewed the Premises Licence and it was revoked.

Kulwinder Singh Wadhwa is therefore aware that it is illegal to sell illicit tobacco.

Please tick ✓ yes

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

If yes please state the date of that application

Day    Month    Year

±	±	±	±	±	±	±	±	±
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**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 ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

**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  .....

Date **15/05/2017** .....

Capacity **Applicant** .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6) Greg Bristol Trading Standards Service Doncaster Council Waterdale	
<b>Post town</b> Doncaster	<b>Post Code</b> DN1 3BU
<b>Telephone number (if any)</b> 01302 737 534	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> Greg.Bristol@doncaster.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.

This page is intentionally left blank



Kulwinder Singh Wadhwa  
26 Hamilton Road  
Doncaster  
DN4 5BB

**Contact:** Licensing Office  
**Tel:** (01302) 737590  
**E-mail:** [licensing@doncaster.gov.uk](mailto:licensing@doncaster.gov.uk)  
**Web:** [www.doncaster.gov.uk/licensing](http://www.doncaster.gov.uk/licensing)  
**Our Ref:** LN/201400436  
**Your Ref:**  
**Date:** 14 June 2017

Dear Licence holder,

**Premises Licence - LN/201400436 - Licensing Act 2003**  
**Bargain Beers, 248 Balby Road, Balby, Doncaster, DN4 0QH**

Please find enclosed the Premises Licence issued in respect of the above premises. Please take time to read the notes below and the licence attached in full.

- 1) The holder of the licence must ensure that the licence or a certified copy along with all the conditions applicable to the licence is kept at the licensed premises. The licence must be in the custody of the licence holder or with a person who works at the premises who has been nominated in writing by the licence holder to have custody of the licence.
- 2) The licence holder must ensure that the summary of the licence or a certified copy of the summary is prominently displayed at the premises.
- 3) Where the licence allows the sale of alcohol, no supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 4) The licence holder must notify this Authority, as soon as practicable, of any change in their name or address and, unless the designated premises supervisor (DPS) has already done so, the name and address of the DPS.
- 5) If you wish to transfer or vary the licence please contact this Authority or visit our website (details above).
- 6) The holder of the premises licence is required to pay an annual fee to Doncaster Council. The annual fee is linked to the rateable value of the premises and the current level of fee is available on request by contacting this office. The annual fee becomes due and payable each year on the anniversary of the date of grant of the licence. We will send you an invoice account when the annual fee becomes due. You should note that the

licence is liable to suspension if the annual fee is not paid within 21 days of the due date.

The rateable value, premises band, date licence first issued, your client number and your contract number are shown below.

<b>Rateable Value (£):</b>	<b>B 4301- 33000</b>
<b>Premises Band:</b>	<b>B</b>
<b>Date licence First Issued:</b>	<b>18th August 2014</b>
<b>Client Number:</b>	<b>A216990</b>
<b>Contract Number:</b>	<b>LS000973</b>

If you believe any of these details to be incorrect you must contact us without delay.

- 7) The granting of this licence does not relieve the applicant of the need to ensure that the appropriate planning permission is in place. Furthermore, there are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes. Where these hours are different to the licensing hours, the licence holder must observe the earlier closing time. Premises that operate in breach of their planning permission are liable to prosecution under planning law.
- 8) Where applicable, we have taken this opportunity to update the conditions on the licence and remove any conditions which we believe to be obsolete or a duplication of mandatory conditions or which duplicate other statutory requirements or duties or responsibilities placed on the employer by other legislation. If you believe that any of the removed conditions should remain on the licence then please contact us to discuss this further.

Please note that the above list is not exhaustive and if you wish to discuss any other matter please do not hesitate to contact us.

Yours Sincerely

*P Williams*

Paul Williams  
Business Safety and Licensing Manager

### **CONTROL OF COUNTERFEIT AND ILLICIT PRODUCTS**

A targeted multi-agency campaign is being undertaken to reduce the prevalence of illicit alcohol and tobacco available in some retail premises throughout South Yorkshire. All retailers must ensure that all alcohol and tobacco products are purchased from legitimate sources. In particular, retailers must ensure that all purchases are accompanied by invoices which state the supplier's full company details for traceability purposes including being able to demonstrate that the correct excise duty has been paid. **It is an offence to keep smuggled goods on licensed premises and your licence is at risk if inspectors find such products on your premises.**

LICENSING ACT 2003  
Section 24

**Premises Licence**

Doncaster Metropolitan Borough Council  
Licensing Section  
Civic Office  
Waterdale  
Doncaster DN1 3BU

**Premises licence number**

LN/201400436

**Part 1 – Premises details**

*Postal address of premises or, if none Ordnance Survey map reference or description*

Bargain Beers  
248 Balby Road  
Balby  
Doncaster  
DN4 0QH

Telephone number:

Where the licence is time limited – the dates

*Licensable activities authorised by the licence*

Sale of Alcohol (Off only)  
Opening Hours

*The times the licence authorises the carrying out of licensable activities, their permitted locations and the opening hours of the premises are as follows:*

	Sale of Alcohol (Off only).	Opening Hours.				
	Licensed Area (See Plan)	Whole of Premises				
Mon	09:00 - 21:00	09:00 - 21:00	-	-	-	-
Tues	09:00 - 21:00	09:00 - 21:00	-	-	-	-
Wed	09:00 - 21:00	09:00 - 21:00	-	-	-	-
Thur	09:00 - 21:00	09:00 - 21:00	-	-	-	-
Fri	09:00 - 21:00	09:00 - 21:00	-	-	-	-
Sat	09:00 - 21:00	09:00 - 21:00	-	-	-	-
Sun	09:00 - 21:00	09:00 - 21:00	-	-	-	-

*Non-Standard Timings:*

**n/a**

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

**Sale by retail of alcohol for consumption OFF the premises.**

**Part 2**

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

<b>Kulwinder Singh Wadhwa</b> <b>26 Hamilton Road</b> <b>Doncaster</b> <b>DN4 5BB</b>	<b>Telephone Number:</b> <b>Email:</b>
--	---

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

<b>Registered Number:</b>
---------------------------

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

<b>Kulwinder Singh Wadhwa</b> <b>26 Hamilton Road</b> <b>Doncaster</b> <b>DN4 5BB</b>	<b>Telephone Number:</b> <span style="background-color: black; color: black;">XXXXXXXXXX</span>
--	---

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

<b>LN/201600406 Doncaster Council</b>
---------------------------------------

*Annex 1 – Mandatory Conditions***Mandatory conditions where licence authorises supply of alcohol**

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

Note: Conditions 3,4, and 6 apply where the licence authorises the consumption of alcohol on the premises (see Part 1).

- 1) No supply of alcohol may be made under the premises licence:
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
  
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
  
- 5)
  - (1) The premises licence holder or club premises certificate 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.
  
- 7)
  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 in paragraph 1—
    - (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 rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and  
(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.—(1) Sub-paragraph (2) 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.

(2) 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.

*Annex 2 – Conditions consistent with your Operating Schedule*

Proof of age must be requested if staff suspects that the customer is under the age of 18 years.

To assist staff, the Challenge 25 rule should be applied including an incident / refusal log.

This means that if a customer appears to be under 25 years of age staff must ask them to prove their age.

Documents acceptable as proof of age must have a photograph and a date of birth.

Staff involved in the sale of alcohol shall be trained in the operation of the Challenge 25 scheme.

These training records must be made available to authorised officers of the Police and Licensing Authority on request.

CCTV system will be fitted, maintained and in use at all times the premises are open, the CCTV images will be stored for 28 days and Police and Authorised Officers of the Council will be given access to images for purposes in connection with the prevention and detection of crime and disorder.



*Annex 3 – Conditions attached after hearing by the Licensing Authority*

*Annex 4 – Plans*

See attached plan



LICENSING ACT 2003  
Section 24

**Premises Licence Summary**

Doncaster Metropolitan Borough Council  
Licensing Section  
Civic Office  
Waterdale  
Doncaster DN1 3BU

**Premises licence number**

LN/201400436

**Premises details**

*Postal address of premises or, if none Ordnance Survey map reference or description:*

Bargain Beers  
248 Balby Road  
Balby  
Doncaster  
DN4 0QH

Telephone number:

Where the licence is time limited – the dates:

*Licensable activities authorised by the licence:*

Sale of Alcohol (Off only)  
Opening Hours

*The times the licence authorises the carrying out of licensable activities, their permitted locations and the opening hours of the premises are as follows:*

	Sale of Alcohol (Off only).	Opening Hours.				
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Tues	09:00 - 21:00	09:00 - 21:00	-	-	-	-
Wed	09:00 - 21:00	09:00 - 21:00	-	-	-	-
Thur	09:00 - 21:00	09:00 - 21:00	-	-	-	-
Fri	09:00 - 21:00	09:00 - 21:00	-	-	-	-
Sat	09:00 - 21:00	09:00 - 21:00	-	-	-	-
Sun	09:00 - 21:00	09:00 - 21:00	-	-	-	-

*Non-Standard Timings:*

**N/A**

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

**Sale by retail of alcohol for consumption OFF the premises.**

*Name, (registered) address of holder of premises licence:*

**Kulwinder Singh Wadhwa  
26 Hamilton Road  
Doncaster  
DN4 5BB**

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

**Registered Number:**

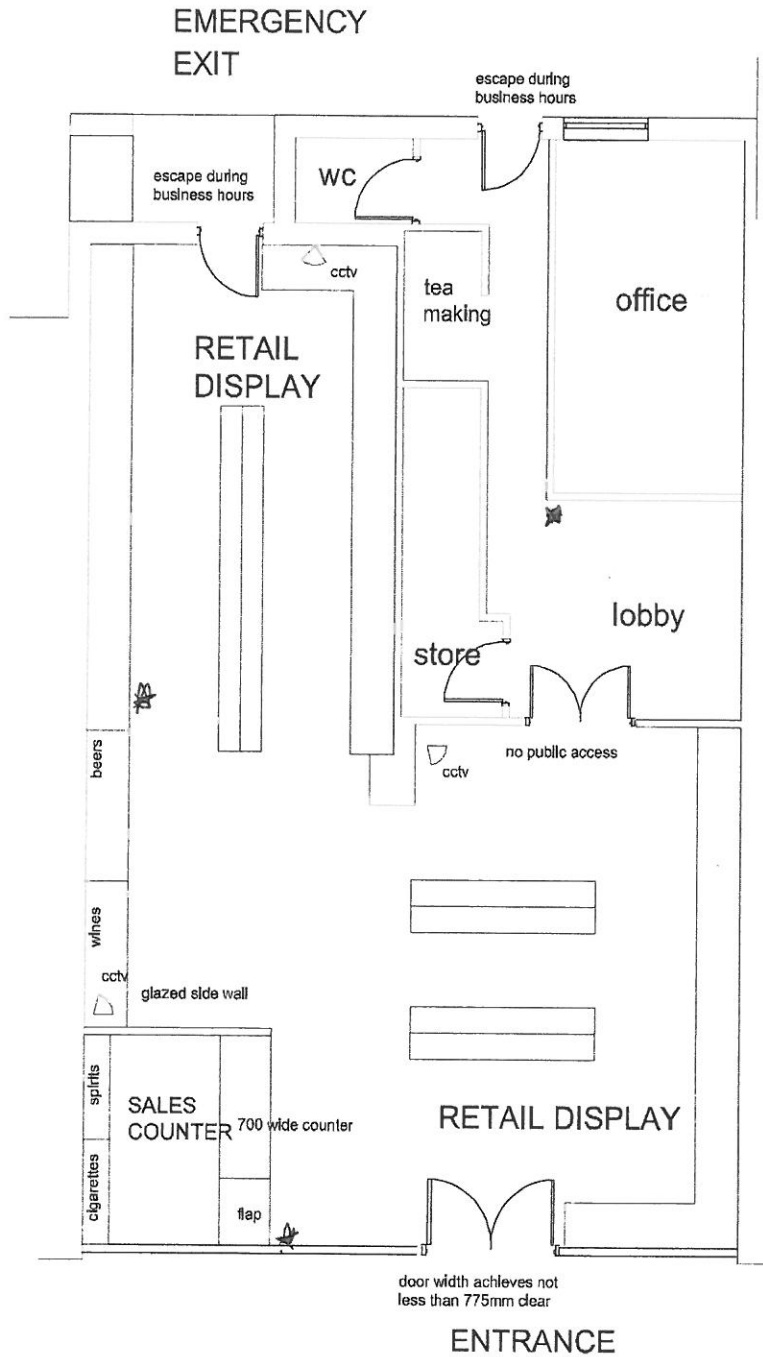
*Name of designated premises supervisor where the premises licence authorises the supply of alcohol:*

**Kulwinder Singh Wadhwa**

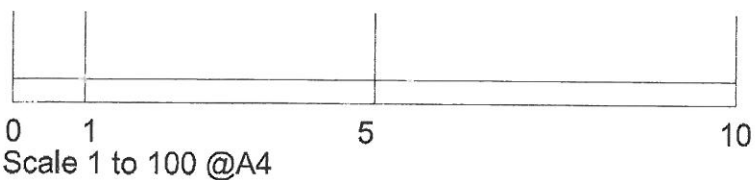
*State whether access to the premises by children is restricted or prohibited:*

**N/A**

# 1:100 property as proposed



flap = fire EXTINGUISHER



Work only to figured dimensions. All work to be carried out in accordance with the Building Regulations and to the satisfaction of the District Building Surveyor. This drawing prepared for Local Authority Building Planning Approvals only. Contractor MUST cost fully from a full site survey.

J MURRAY  
4 BROOKSIDE CLOSE, HACKENTHORPE  
SHEFFIELD S12 4LE 0114 247 0602

TITLE  
shop fit out  
248 Balby Rd  
Doncaster  
CLIENT Link

general arrangement as proposed

DATE 3/6/2014 SCALE 1:100 @ A4

DRAWING No.  
I/14/01

REVISION

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## Licensing Act 2003

### Responsible Authority Representation Form

<b>Responsible Authority</b>	Environmental Health (Health & Safety)
<b>Location</b>	Civic Office, Waterdale, Doncaster, DN1 3BU
<b>Officer Details</b>	Name: Michael Griffiths Job title: Snr Environmental Health Officer Tel: 07768602797 Email: Michael.griffiths@doncaster.gov.uk

Application Details	
<b>Our Reference</b>	WK/217003322 / PI/000184437
<b>Address of Premises</b>	Bargain Beers, 248 Balby Road, Balby, Doncaster, DN4 0QH
<b>Type of Application</b>	Review: Premises Licence LN/201400436

Details of Representation	
<p>On the 24<sup>th</sup> November 2016 I visited Bargain Beers to carry out a general advisory visit with regard to illicit alcohol. During the visit the DPS, Mr Kulwinder Singh Wadhwa was present and I strongly advised him not to become involved in the illicit alcohol trade given the serious issues I had found in the district over recent months.</p> <p>Between the 24<sup>th</sup> November 2016 and the 17<sup>th</sup> February 2017 I had been advised by HMRC that two illicit traders were possibly supplying illicit alcohol in mass to off licence across South Yorkshire. The two companies had both been refused "Alcohol Wholesale Register Scheme" numbers due to a lack of due diligence by the companies and were in fact both owned by the same man and were acting illegally if alcohol was sold by them. The HMRC official stated that alcohol from these two premises, both possibly situated in Sheffield, would be classified as "smuggled" as they were not eligible to pay duty due to refusal of the new AWRS system. HMRC investigations are still on going.</p> <p>On the 17<sup>th</sup> February 2017 I visited Bargain Beers again to advise the owner that he was in fact purchasing alcohol from illegal sources and should remove all effected alcohol from sale. In total 24 brands of foreign imported and labelled alcohol was on sale. Mr Kulwinder Singh Wadhwa was present and as part of my investigation I asked to review the CCTV footage to obtain the illicit traders vehicle details to pass onto HMRC. Unfortunately Mr Wadhwa was unable to work the CCTV and stated he was not trained in its use. I advised him to contact the previous owner regarding the CCTV or contact an engineer immediately.</p> <p>On the 8<sup>th</sup> March 2017 I visited Bargain Beers again with my colleague, Alcohol and Tobacco Control Officer, Mr Greg Bristol to execute a warrant relating to illicit tobacco sales and to ensure there was no illicit alcohol on site. During the visit a</p>	

large quantity of illicit tobacco was found in Mr Wadhwa's vehicle parked outside. Also approximately half the illicit alcohol that had been seen on the 17<sup>th</sup> February was still in the store room only a few metres from the shops chilled display cabinets. Mr Wadhwa stated he was confused by the term "remove the alcohol from the premises" and thought that keeping it in the rear of the shop was satisfactory. When I asked where the other half of the stock was, he refused to answer. The alcohol was disposed of by Mr Wadhwa reluctantly during the visit. Unfortunately the CCTV was still not available to be reviewed and Mr Wadhwa had made no attempt to contact an engineer.

Kulwinder Singh Wadhwa was in possession of illegal smuggled alcohol and did not dispose of the alcohol, even after he had specifically been told to remove the alcohol from the premises, as it was a distinct breach of his alcohol licence to store smuggled goods on site.

Kulwinder Singh Wadhwa was unable to review the CCTV on two separate occasions after an authorised officer had requested to view the footage.

The sale of illegal alcohol is a crime and undermines public safety:

Storing and selling smuggled alcohol is a crime as no duty has been paid to HMRC and is a breach of the Licensing Act 2003, Section 144.

Storing and selling smuggled alcohol is a crime as it cannot be traced to the original seller in the UK. If the product had to be recalled for safety reasons the suppliers would not be able to trace the original products. This is a breach of The General Food Regulations 2004

Storing and selling smuggled foreign labelled alcohol is a crime as the products are labelled in a foreign language and cannot be understood by the purchasers. This is a breach of The Food Information Regulations 2014.

**Please note that representations should be confined to matters which are about the likely effect of the grant of the licence on the promotion of the licensing objectives. In the case of a variation they must be confined only to the matters being varied.**

**This representation will be disclosed to the applicant and will form part of public documents should the matter proceed to a hearing. You are respectfully requested to consider the requirements of the Data Protection Act and ensure you have obtained the permission, where required, of any person whose personal details are included in your representation.**

<b>Date Submitted</b>	<b><u>30<sup>th</sup> May 2017</u></b>
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South Yorkshire Police  
Carbrook House  
Carbrook Hall Road  
Sheffield  
S9 2EH

RE- Sale of Illicit Tobacco

Bargain Beers  
248 Balby Road  
Balby  
Doncaster  
DN4 0QH

Following on from a failed test purchase on 10<sup>th</sup> February 2017 where a packet of Amber Leaf hand rolling tobacco was purchased by Doncaster Trading Standards team and found to be incorrectly packaged under section 12 Consumer Protection Act 1987.

A warrant was executed on 8<sup>th</sup> March 2017 by Doncaster Trading Standards, a search of Bargain Beers and a vehicle belonging to the Premise Licence Holder, revealed a further amount of incorrectly packaged tobacco (0.54k) and cigarettes (5,6020 cigarettes), due to the recovery of the tobacco and cigarettes the premise was taken to review by Trading Standards.

South Yorkshire Police support Doncaster Trading Standards review of the premise. The sale of illicit tobacco can be linked to organised crime, and these premises are providing an outlet for such activity to be carried out.

This has the potential to lead to a rise in Crime & Disorder within the Doncaster area.

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