

To all Members of the

LICENSING SUB-COMMITTEE

AGENDA

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

VENUE Council Chamber - Civic Office
DATE: Wednesday, 27th September, 2017
TIME: 9.30 am

Items for Discussion:

	PageNo.
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 meeting held on 23rd August and 6th September 2017	1 - 4
A. Reports where the Public and Press may not be excluded.	
5. Application for a Review of premises licence - Junction Stop, Broxholme Lane, Wheatley, Doncaster DN1 2LJ.	5 - 52

Jo Miller
Chief Executive

Issued on: Tuesday, 19th September, 2017

Governance Officer
for this meeting:

Andrea Hedges
01302 736716

Members of the Licensing Sub-Committee

Chair – Councillor Linda Curran

Councillors Bev Chapman, Martin Greenhalgh and Ian Pearson

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

WEDNESDAY, 23RD AUGUST, 2017

A MEETING of the LICENSING SUB-COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE on WEDNESDAY, 23RD AUGUST, 2017, at 9.30 am.

PRESENT:

Chair - Councillor Ken Keegan

Councillors Iris Beech, Martin Greenhalgh and Charlie Hogarth.

1 DECLARATIONS OF INTEREST, IF ANY

No declarations were made at the meeting.

2 MINUTES OF THE LICENSING SUB-COMMITTEE MEETING HELD ON 15TH AUGUST, 2017

RESOLVED that the minutes of the Licensing Sub-Committee meeting held on 15th August, 2017, be approved as a correct record and signed by the Chair.

3 LICENSING ACT 2003 - TO CONSIDER AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE (TEN) FOR THE ANGEL AND ROYAL, 22-28 CLEVELAND STREET, DONCASTER, DN1 3EF

The Sub-Committee considered an objection notice to a Temporary Event Notice (TEN) in respect of the 'Angel and Royal', 22-28 Cleveland Street, Doncaster, DN1 3EF, following representation received from South Yorkshire Police. Details of the application/notice for the TEN, was attached to Appendix D to the report.

The grounds of objection from South Yorkshire Police were based on the potential impact on the promotion of the licensing objective, Crime and Disorder. A copy of the objection notice and supporting documentation, were attached at Appendices E and E1 of the report, respectively.

The Applicant/Premises User had indicated that a copy of the TEN had been sent to all relevant parties.

The Sub-Committee Members, the Applicant/Premises User, the persons making representations and the Responsible Authorities, had received the agenda prior to the meeting.

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

The Applicant/Premises User and a representative acting on behalf of the Applicant/Premises User, were in attendance at the meeting and made representations and answered questions. With the agreement of all parties, a Risk Assessment for the premises was circulated at the meeting.

A representative from South Yorkshire Police was in attendance and answered questions and made representations.

All parties were then asked to leave the room whilst the Sub-Committee deliberated on the application and reached a decision.

RESOLVED that the Licensing Sub-Committee, having considered an objection notice to a Temporary Event Notice (TEN) in respect of the Angel and Royal, 22-28 Cleveland Street, Doncaster, DN1 3EF, and have taken into account 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 have decided to issue the Premises User a Counter Notice.

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

The Sub-Committee noted the commitment of the Applicant to the promotion of the 4 Licensing Objectives and the presentation of a Risk Assessment. However, the Sub-Committee noted that objections by the Police were centred around the number of potential patrons who could be waiting to enter and then leave the premises. The Sub-Committee noted the advert currently on Social media, that they had reason to believe had been there since 10th August, stated that patrons had the choice to purchase a ticket on the door. This has the potential to create a queue and whilst the Applicant stated they would remove the advert, the Sub-Committee was not satisfied that the Applicant had addressed itself to this and neither were there any conditions that could be imposed to mitigate the undermining of the Licensing Objectives. As far as the public are concerned, they can purchase a ticket on the door. At the point the event ends, it is likely all the patrons (up to 300) would be leaving the venue at the same time and this has the potential to create antisocial behaviour undermining the Licensing Objectives.

The Applicant stated that to deal with patrons, they are engaging door supervisors, but the door supervisors would also be glass collecting and monitoring the outside smoking areas to prevent drinking taking place outside the premises and therefore, the Sub-Committee is concerned that the premises would not be supervised correctly.

The Sub-Committee therefore, believe the event will undermine the Licensing Objectives and should not take place.

CHAIR:_____

DATE:_____

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

WEDNESDAY, 6TH SEPTEMBER, 2017

A MEETING of the LICENSING SUB-COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on WEDNESDAY, 6TH SEPTEMBER, 2017, at 9.30 am.

PRESENT:

Chair - Councillor Ken Keegan
Vice-Chair - Councillor Linda Curran

Councillors Bev Chapman, Steve Cox and Martin Greenhalgh

1 Declarations of interest, if any

No declarations were reported at the meeting.

2 Application for a New Premises Licence - Everyday Best (former Plant Hotel), 6 Hexthorpe Road, Hexthorpe, Doncaster DN4 0BG

The Sub-Committee considered an application for a new premises licence in respect of Everyday Best (former Plant Hotel), 6 Hexthorpe Road, Hexthorpe, Doncaster, DN4 0BG. The procedure for considering the application was set out in Appendix A.

The Sub-Committee Members, the Applicant and Responsible Authorities had, received the agenda prior to the meeting.

Representations had been received from two Local Ward Councillors and a neighbouring resident/business owner, which were attached at Appendix E of the report.

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

David Smith, the Licensing Officer, introduced the report and outlined the salient points.

The Applicant, Volkan Ertas, and a representative acting on behalf of the Applicant, Steve Butler, were in attendance at the meeting, made representations and answered questions.

The Applicant submitted that as this was a new premise, existing problems of anti-social behaviour could not be attributed to him. He had recently graduated from Derby University and was keen to make this a professional business. He had worked with the Police Licensing Officer and would work with the police if there were any problems.

The Deputy Mayor and Local Ward Member, Councillor Glyn Jones who had made a written representation, made representations in respect of his objections to the application and answered questions.

The interested party representing local constituents, Councillor Glyn Jones, expressed concern at the Applicant's lack of knowledge of the 4 licensing objectives and made the Sub-Committee aware of problems in the area with regards to anti-social behaviour and pointed out that there was a Public Space Protection Order in place for the Hexthorpe area.

The Applicant's representative acknowledged that the Applicant was not fully aware of the licensing objectives, but he gave an assurance that he would apply for a Personal Licence today if the application was granted and he wasn't the Designated Premises Supervisor (DPS); the DPS was already in place and was the landlord of the building.

It was also pointed out that South Yorkshire Police had proposed conditions that the Applicant has agreed to.

All parties were then asked to leave the room whilst the Sub-Committee deliberated on the Application and reached a decision.

The Sub-Committee have decided to grant the licence in the terms set out in Appendix B,

All parties were then asked to leave the room whilst the Sub-Committee deliberated on the Application and reached a decision.

RESOLVED that the Licensing Sub-Committee having considered the application for a new premises licence for Everyday Best (former Plant Hotel), 6 Hexthorpe Road, Hexthorpe, Doncaster, DN4 0BG and having taken into account the written representations made and the evidence presented today, the steps that are appropriate to promote the Licensing Objectives, the Home Office Guidance and our Statement of Licensing Policy have decided to grant the application in the terms as set out in Appendix B subject to the Conditions put forward by South Yorkshire Police set out at Appendix F and the addition of the following Conditions:-

Any alcohol in the premises will be covered so that it is not in public view during the times when alcohol is not permitted to be sold from the premises.

The Plan of the premises as submitted is incorrect; alcohol will be on the side of the premises where the till is located.

27 September, 2017

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

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

Junction Stop, 2 Broxholme Lane, Wheatley, Doncaster, DN1 2LJ

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 Junction Stop, 2 Broxholme Lane, Wheatley, Doncaster, DN1 2LJ. 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 for the sale of alcohol for consumption off the premises Monday to Saturday 08.00 – 23.00 and Sundays 10.00 – 22.30.
5. The application is brought by Trading Standards, a Responsible Authority under the Licensing Act 2003, for a review of the Premises licence following the sale of illicit tobacco on three occasions where a test purchase has been attempted.
6. A summary of the application is attached as Appendix B to this report.
7. The premises are located in an area that is subject to a cumulative impact policy namely Area 2 – Part of the Town Ward. (Section 7 – Doncaster Council's Statement of Licensing Policy 2016 – Licensing Act 2003)

8. A location plan of the premises is attached at Appendix C.
9. A copy of the application and supporting documents are attached at Appendix D.
10. A copy of the Premises licence is attached at Appendix E.
11. 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.
12. During the 28 day consultation period, representations were received from South Yorkshire Police and the Health & Safety Responsible Authorities in support of the review. Copies of the representations are attached at Appendix F.
13. The Premises licence holder has written to the Licensing Authority disputing the grounds for the review. A copy of this letter is attached at Appendix G.
14. The applicant has indicated that a copy of the application for review was sent to the Premises Licence Holder and Responsible Authorities.

OPTIONS CONSIDERED

15. The Licensing Act 2003 requires the Licensing Authority to exercise its obligations on applications for a review of a premises licence and therefore no option, other than to hold a hearing, can be considered.
16. 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

17.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> 	<p>It is recognised that Licensed premises are, quite often, businesses and places of employment.</p> <p>The Licensing Committee/Sub-Committee, subject to the general</p>

	<ul style="list-style-type: none"> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>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"> 1. Prevent crime and disorder 2. Prevent public nuisance 3. Public safety 4. Protection of children from harm
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<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"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<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"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<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 governance.</p>	<p>None</p>

RISKS AND ASSUMPTIONS

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

LEGAL IMPLICATIONS

19. The Licensing Authority must ensure it complies with its obligations under the Licensing Act 2003 and associated Regulations which includes, but is not limited to the following:-

In considering an application, the committee must have regard to the 4 licensing objectives as referred to above and take into account of the statutory guidance issued by the Home Office and the Council's statement of licensing policy. The committee shall consider the application in accordance with both the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation. The committee must make its decision based on evidence submitted in accordance with the legislation and give reasons for reaching its decision.

An applicant may appeal against the decision to the Magistrates' Court as may any person or organisation that has made a representation.

Legal advisors shall be present at the hearing to give specific legal advice.

FINANCIAL IMPLICATIONS

20. 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

21. Not applicable

TECHNOLOGY IMPLICATIONS

22. Not applicable

EQUALITY IMPLICATIONS

23. 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

24. Copies of the application form have been sent to all relevant Responsible Authorities referred to in Section 13 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

Home Office - Immigration Enforcement

BACKGROUND PAPERS

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

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APPENDIX A

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 Stuart Jones on behalf of Trading Standards

Name of Premises: Junction Stop

Address: 2 Broxholme Lane, Wheatley, Doncaster, DN1 2LJ

Summary of Application:

The grounds for the application for review are:



- Despite warnings and advice, the premises have consistently traded in illicit tobacco.
- On 3 separate occasions the premises have failed a test purchase operation for the sale of illicit tobacco. These dates are 13 October 2016, 11 May 2017 & 29 June 2017.

For full details please see copy of application at Appendix D.

Location Plan



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

 Doncaster Metropolitan Borough Council	
Key :	 symbol identifies location of the premises
Notes : 2 Broxholme Lane Wheatley Doncaster DN1 2LJ	
Title : Junction Stop	
Completed By : D Smith	
Reference : WK/217010267	
Date : 11/08/2017	
Scale : 1:781	

**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 Stuart Jones

(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 JUNCTION STOP 2 Broxholme Lane Wheatley	
Post town DONCASTER	Post code (if known) DN1 2LJ
Name of premises licence holder or club holding club premises certificate (if known) Mr Mustafa Halo Kaled	
Number of premises licence or club premises certificate (if known) PREM 354	

Part 2 - Applicant details

I am

- | | Please tick yes |
|---|-------------------------------------|
| 1) an interested party (please complete (A) or (B) below) | |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |

- 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

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

Surname

First names

Please tick yes

I am 18 years old or over

☐

**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 TRADING STANDARDS SERVICE Regulation and Enforcement Doncaster Council PO Box 257 Civic Office Waterdale Doncaster DN1 3BU
Telephone number (if any) (01302) 862404
E-mail address (optional) stuart.jones@doncaster.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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="checked" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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

Across the UK there is an issue with illicit tobacco sales, this is particularly prevalent in Doncaster town centre, just outside the main shopping and markets area.

The trade in illicit Tobacco can be defined as the production, import, export, possession or sale of tobacco products which fail to comply with legal requirements

There are three main sources of illicit tobacco -

1 - Smuggled products - These are legitimately manufactured products that are diverted through the supply chain in their original country of manufacture and smuggled into the UK, often by large organised crime gangs. No tax/duty is paid on these products

2 - Bootlegged products, sometimes called 'Cheap Whites' - These are again legitimate products purchased in foreign countries with low levels of taxation, generally Eastern European/Russian areas, and smuggled on a small scale by individuals or lower level organised gangs. No duty is paid on these products when they are imported this way.

3 - Counterfeit products - These are illegally manufactured products, made without the consent of the trademark owner. The products are generally made from inferior quality materials and packaged to look exactly like the original products.

The trade in illicit tobacco can be a gateway for young people to start smoking as the low cost of product makes the habit more affordable, those trading in illicit tobacco are also more likely to sell to those under 18.

The illicit trade also undermines the work done by stop smoking services and health

agenices to help people stop smoking.

No tax is paid on these products which means central government loses the duty on these products, it could also be argued that use of these products places an extra strain on Health Services and associated agencies which incurs further costs to both central and local government.

The illicit trade funds organised crime and is increasingly linked to modern slavery.

Illicit products can also contravene safety legislation as the majority of product does not comply with the 'reduced ignition propensity' requirements of the safety standard introduced in 2010.

In practice this means that an illicit cigarette will continue to burn if left unattended. Compliant products will extinguish themselves and therefore pose less fire risk. Smoking causes approximately 3,000 house fires each year, a number of deaths can be linked directly to illicit tobacco causing house fires.

The premises subject to this review have consistently traded in illicit tobacco, despite warnings and advice on what types of tobacco can legitimately be sold.

One of the many methods Trading Standards use to combat this illicit trade is test purchasing. An EU operative acts as a normal consumer and visits the shop and asks for some cheap cigarettes.

Junction has sold illicit tobacco on all three occasions where a test purchase has been attempted.

13th October 2016:

The test purchaser entered the premises and asked for some cheap cigarettes, two males were in the shop. One went to a door behind the left side of the counter, went through it and returned with a pack of 20 Marlboro cigarettes, they were put straight into the test purchaser's handbag and she paid £5.50. The cigarettes were marked with text only health warnings 'Palenie tytoniu powoduje smiertelnego raka pluc' on the front and 'Polenie powaznie szkodzi Tobie i osobom w Twoim otoczeniu' on the back. These translate from Polish as 'Smoking causes deadly lung cancer' and 'Smoking seriously harms people in your environment.'

11th May 2017:

The test purchaser entered the premises and had to wait in a queue, the customer in front of her purchased 5 packs of illicit Marlboro cigarettes and she then asked for some cheap cigarettes. One of the males behind the counter then went through a door behind the counter and came back with a pack of LM cigarettes, she paid £5.00. These were price marked at 13.20ZL (Zloty - Polish Currency) and had a health warning in Polish on them - 'Palenie zwieksza ryzyko utraty wzroku' along with a picture depicting a diseased eye. This translates as 'Smoking increases the risk of vision loss.'

29th June 2017:

The test purchaser again visited the premises, and asked for cheap cigarettes, she was sold a pack of L&M Blue Label for £5.50. These were again price marked at 13.20ZL and had warning a different Polish Warning - 'Dym szkodzi Twoim dzieciom, rodzinie i przyjaciolom' along with a picture depicting an adult blowing cigarette smoke into a crying baby's face. This translates as 'Smoke harms your children, family and friends.' The test purchaser gave a description of the man who sold the cigarettes which matches the owner of the shop.

In all of these test purchases the fact that these products were all from other stock areas and not off the main tobacco gantry implies that the staff knew that the stock was illicit and could not legally be sold.

The price is also indicative that there has been no UK duty paid on these products - the minimum excise duty on one pack of 20 cigarettes should be £5.37 from 20th May 2017 (www.gov.uk/government/publications/rates-and-allowances-excise-duty-tobacco-duty/excise-duty-tobacco-duty-rates)

Following the second test purchase the owner of the business, Mustafa Halo Kaled was interviewed and could offer no explanation for the sale, he was offered advice and guidance on sales of Tobacco and what is and isn't legal. He was also informed that any excuses such as his staff selling their own tobacco were not acceptable, as the trade was conducted in his business premises.

On 6th December 2016 Mr Kaled was sent a letter advising about illicit Tobacco and Alcohol, a further letter was sent on 12th May 2017 explaining the change in legislation in relation to plain packaging. Copies of these letters are included as part of this application.

Officers from this service working together with the Environmental Health Food Team have visited the premises on numerous occasions to provide advice and inspect the premises for illicit tobacco and alcohol.

Guidance issued under Section 182 of the Licensing Act 2003 highlights how illegal/smuggled tobacco is viewed by the licensing regime in paragraph 11.27 :-

"There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises:

.....

- for the sale and storage of smuggled tobacco and alcohol."

Paragraph 11.28 gives some direction to the licensing authorities and supports using the review procedure when such activities are undertaken.

It would appear that Mr Khaled has no regard for his legal responsibilities as both a business owner and a premises licence holder. He has had adequate education and assistance in how to comply with the law. He trades to make illegal profit for himself at a cost to the government and the local economy, taking trade away from legitimate traders.

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

APPENDIX 1

Photos of Test Purchase made on 13th October 2016 'Marlboro Gold'

Photos of Test Purchase made on 11th May 2017 'L&M Blue' (eye)

Photos of Test Purchase made on 29th June 2017 'L&M Blue' (child)

APPENDIX 2

Copy of M3 standard letter ITA - Sent to premises on 6th December 2016

APPENDIX 3

Copy of M3 standard letter SPT - Sent to premises on 12th May 2017.

Please tick yes

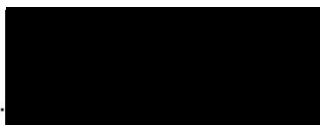
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, 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 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

7/8/2017

Capacity Senior Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Stuart Jones Trading Standards Service Regulation and Enforcement PO Box 257 Civic Office Waterdale	
Post town Doncaster	Post Code DN1 3BU
Telephone number (if any) (01302) 862404	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) stuart.jones@doncaster.gov.uk	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

TRADING STANDARDS SERVICE – Premises Licence Review of JUNCTION STOP
Photographs of products purchased during test purchase operations

Marlboro Gold – 13th October 2016



L&M Blue (Eye) – 11th May 2017



L&M Blue (Child) – 29th June 2017





The Manager
Junction Stop
2 Broxholme Lane
Wheatley
Doncaster
DN1 2LJ

Contact: Trading Standards
Tel: 01302 737560
Fax: 01302 737038
E-mail: Trading.standards@doncaster.gov.uk
Our Ref: PI/000197069
Date: 6 December 2016

Dear Retailer

You may be aware that South Yorkshire is currently experiencing an increase in the availability of illegal alcohol (including beer/lager) and tobacco products. This letter is to make you aware of the risks to health, the illegality of selling such products and the penalties which, can be imposed if a trader is found guilty of dealing in such products.

All tobacco products contain toxic ingredients such as arsenic, formaldehyde, benzene, and cadmium but counterfeit tobacco products often contain far higher quantities of these ingredients. Smoking is recognized as a serious health hazard; however the smoking of counterfeit cigarettes greatly increases the potential for personal health damage.

Fake alcohol may contain methanol, chloroform, nail polish remover, cleaning products or automobile screen wash. Drinking fake alcohol may cause nausea and vomiting, abdominal pain and dizziness and can lead to kidney and liver problems. Methanol, found in fake vodka, can cause permanent blindness.

Counterfeit or illegal alcohol and tobacco products will be offered for sale at approximately half the normal UK retail selling price. This would also suggest that the appropriate UK excise duty has not been paid on the product which deprives the country of revenue (tax) which is required to maintain services such as health and education.

If you are offered such products to sell in your premises you must refuse them. You should only purchase tobacco and alcohol (including beer/lager) products from reputable suppliers and not from any "white vans" or unknown sources. All foreign labeled beer/lager must be supplied from the wholesaler with the correct English labels. If they do not provide the labels, do not purchase the products. Every food item (including beer/lager) should be labeled in English, large enough to read and printed in indelible ink. For further information on food labeling requirements please visit the Food Standards Agency website (www.food.gov.uk).

Locally produced or imported beer/lager must pay a "permitted duty price". At present the permitted duty price is the minimum price the product can be sold legally and does not include any transport cost, manufacturing cost or retailer profit. Officers will be concentrating on cheap alcohol which is being sold without the correct duty being paid. Selling alcohol above the permitted price does not mean that alcohol duty has been paid. It is an indicator of possible illicit trade but mainly is enforced to prevent a high consumption of strong alcohol on a regular basis.

For example the minimum "permitted price" for beer/lager is as follows:

Doncaster Council
Civic Office, Waterdale, Doncaster DN1 3BU

Junction Stop
2 Broxholme Lane
Wheatley
Doncaster
DN1 2LJ

Contact: Mr G Bristol
Tel: 01302 737534
Fax: 01302 737038
E-mail: Greg.bristol@doncaster.gov.uk
Web: www.doncaster.gov.uk/tradingstandards
Our Ref: PI/000197069
Date: 01 August 2017

Dear Retailer

Trading Standards Service
The Standardised Packaging of Tobacco Products Regulations 2015

The law is changing. From 21 May 2017 you will only be allowed to sell tobacco products that come in standardised packaging.

What does this mean?

Standardised packaging means that attractive promotional aspects of existing tobacco packaging have been removed, and require that the appearance of all tobacco packs would be the same including the colour of the pack. This standardised packaging has been put in place to allow the promotion of strong anti-smoking and health messages. All other colours, trademarks, logos and promotional graphics are prohibited.

Enforcement

Local Trading Standards Officers will be responsible for ensure compliance with the law. A person who produces or supplies a tobacco product in breach of the Regulations is guilty of an offence. For more details see section 15 of the Regulations.

- If found guilty by a Magistrates Court a person could face a prison sentence of up to three months, a fine, or both.
- If found guilty by a Crown Court a person could face a prison sentence of up to two years, a fine or both.

Further guidance is available at www.businesscompanion.info. Please search for "Display and sale of tobacco products."

If you have any questions regarding the changes in the law please do not hesitate to contact me.

Yours sincerely



Mr G Bristol
Tobacco and Alcohol Control Officer
Doncaster Council
Civic Office, Waterdale, Doncaster DN1 3BU

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Mr Mustafa Halo Kaled
47 Sandbeck House
Grove Place
Doncaster
DN1 3AT

Contact: Licensing Office
Tel: (01302) 737590
E-mail: licensing@doncaster.gov.uk
Web: www.doncaster.gov.uk/licensing
Our Ref: LN/200501042
Your Ref:

Dear Licence holder,

Premises Licence - PREM 354 LN/200501042 - Licensing Act 2003
Junction Mini Mart, 2 Broxholme Lane, Wheatley, Doncaster, DN1 2LJ

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.

Rateable Value (£):	A 0- 4300
Premises Band:	A
Date licence First Issued:	18th November 2005
Client Number:	A223295
Contract Number:	LS000937

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



Paul Williams
Business Safety and Licensing Manager

LICENSING ACT 2003
Section 24

Premises Licence

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

Premises licence number

PREM 354 LN/200501042

Part 1 – Premises details

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

Junction Mini Mart
2 Broxholme Lane
Wheatley
Doncaster
DN1 2LJ

Telephone number:

Where the licence is time limited – the dates

Licensable activities authorised by the licence

Sale of Alcohol (Off only)

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).					
	Licensed Area (See Plan)					
Mon	08:00 - 23:00	-	-	-	-	-
Tues	08:00 - 23:00	-	-	-	-	-
Wed	08:00 - 23:00	-	-	-	-	-
Thur	08:00 - 23:00	-	-	-	-	-
Fri	08:00 - 23:00	-	-	-	-	-
Sat	08:00 - 23:00	-	-	-	-	-
Sun	10:00 - 22:30	-	-	-	-	-

Non-Standard Timings:

Sale of Alcohol (Off only)

On Christmas Day 12noon to 3pm and 7pm to 10.30pm

On Good Friday, 8am to 10.30pm

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:

Mr Mustafa Halo Kaled 47 Sandbeck House Grove Place Doncaster DN1 3AT	Telephone Number: Email:
--	---

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

Registered Number: N/A

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

Mustafa Halo Kaled 	Telephone Number:
--	--------------------------

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

DMBC

*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.
- 3)
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 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.
- 6) The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 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.

Mandatory condition: exhibition of films

- 1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- 2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- 3) Where-
 - a) the film classification body is not specified in the licence, or

- b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question. Admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- 4) In this section-
 “children” means persons aged under 18;
 and
 “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c30) (authority to determine suitability of video works for classification).

Prohibited Conditions: plays

- 1) In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
- 2) But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

Mandatory Condition: door supervisor

- 1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- 2) But nothing in subsection (1) requires such a condition to be imposed-
 - a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films), or
 - b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- 3) for the purpose of this section-
 - a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - b) paragraph 8(A5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with your Operating Schedule

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

PREM 354 LN/200501042

Premises details

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

Junction Mini Mart
2 Broxholme Lane
Wheatley
Doncaster
DN1 2LJ

Telephone number:

Where the licence is time limited – the dates:

Licensable activities authorised by the licence:

Sale of Alcohol (Off only)

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).					
	Licensed Area (See Plan)					
Mon	08:00 - 23:00	-	-	-	-	-
Tues	08:00 - 23:00	-	-	-	-	-
Wed	08:00 - 23:00	-	-	-	-	-
Thur	08:00 - 23:00	-	-	-	-	-
Fri	08:00 - 23:00	-	-	-	-	-
Sat	08:00 - 23:00	-	-	-	-	-
Sun	10:00 - 22:30	-	-	-	-	-

Non-Standard Timings:

Sale of Alcohol (Off only)

On Christmas Day 12noon to 3pm and 7pm to 10.30pm

On Good Friday, 8am to 10.30pm

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:

**Mr Mustafa Halo Kaled
47 Sandbeck House
Grove Place
Doncaster
DN1 3AT**

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

Registered Number: N/A

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

Mustafa Halo Kaled

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

N/A

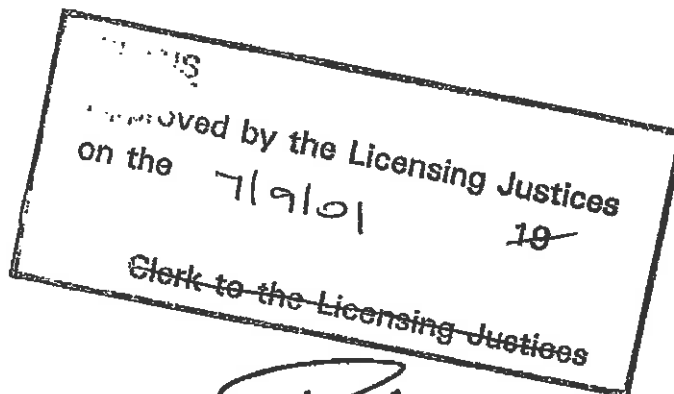
Plan refers to:
Ground Floor Shop premises,
2, Broxholme Lane,
Doncaster, DN1 2LJ.

Application for Off Licence to sell Intoxicating Liquor.

Scale – 1:100

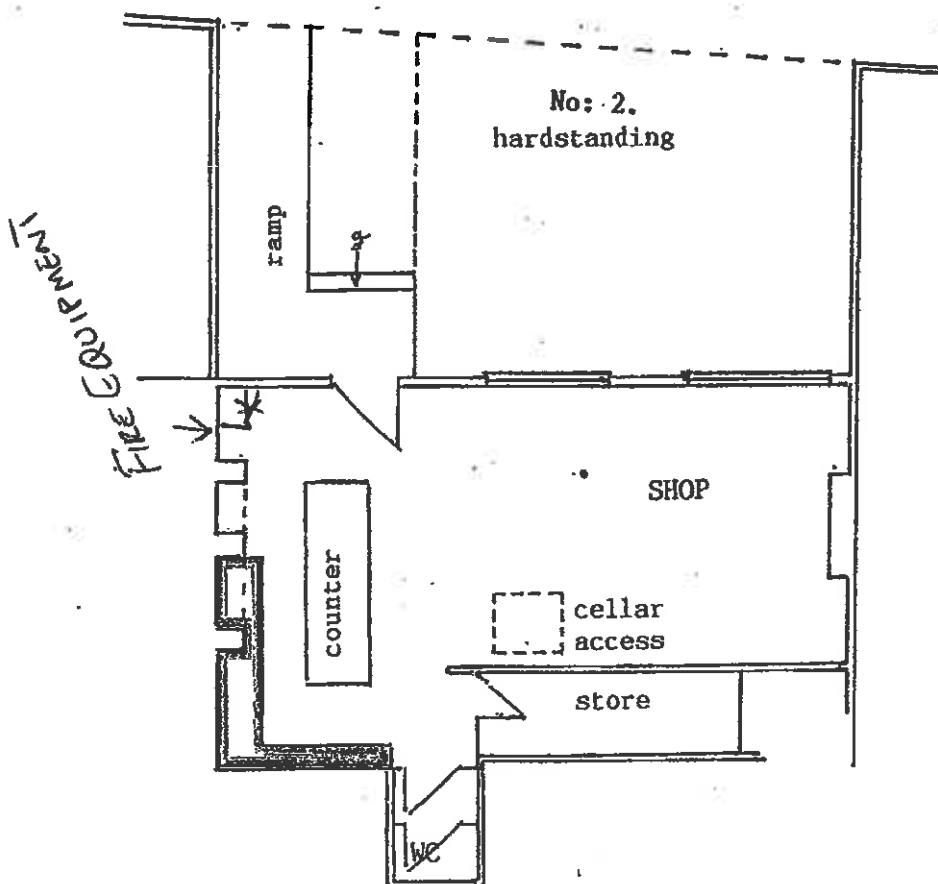
(Proposed area for liquor sales edged red).

Surveyed & drawn: 19/08/2001.
Portfield, Garrard & Wright,
27, Hallgate,
Doncaster,
DN1 3NL.
01302 327341.



R. A. Tye
Acting Clerk to the Justices

BROXHOLME LANE



Fire equip

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South Yorkshire Police
Carbrook House
Carbrook Hall Road
Sheffield
S9 2EH

RE- Sale of Illicit Tobacco

Junction Stop
2 Broxholme Lane
Wheatley
Doncaster
DN1 2LJ

Following on from three failed test purchase between 13th October 2016 & 29th June 2017 where illicit tobacco was purchased by Doncaster Trading Standards team and found to be incorrectly packaged under section 12 Consumer Protection Act 1987

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.

Yours faithfully,

For and on behalf of

Chief Constable, South Yorkshire Police

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Licensing Act 2003

Responsible Authority Representation Form

Responsible Authority	Health & Safety – Env Health
Location	Civic Office, Waterdale, Doncaster, DN1 3BU
Officer Details	Name: Michael Griffiths Job title: Senior Environmental Health Officer Tel: 07768602797 Email: Michael.griffiths@doncaster.gov.uk

Application Details	
Our Reference	WK/217010267 / PI/000197069
Address of Premises	Junction Stop, 2 Broxholme Lane, Wheatley, Doncaster, DN1 2LJ
Type of Application	Review: Premises Licence LN/200501042

Details of Representation
<p>Representation made under the Prevention of Crime and Disorder:</p> <p>On the 16th June 2017 at approximately 14:00 hrs I was made aware by a concerned member of public about street drinkers congregating outside the Junction Stop Off Licence, 2 Broxholme Lane, Doncaster. The complainant also stated that alcohol was being sold very cheaply and may be from an illicit source. One of my roles within the department is to seize illicit alcohol within Licenced premises and work closely with HMRC and DMBC's Trading standards department. I explained to the complainant that they should contact South Yorkshire Police about the street drinkers and anti-social behaviour but would drive past and see what the situation was like. I drove past approximately 20 minutes later and saw no-one outside the premises and one shop worker inside behind the counter. The premises was well known to me and DMBC as being an illicit tobacco seller, as I had been involved in a recent search at the premises with SY Police and found no illicit tobacco however, the premises had failed two very recent test purchases for illicit cigarette sales. I therefor felt it was necessary to visit the premises and see if any illicit tobacco or alcohol was on sale.</p> <p>As I entered the premises I could see that the owner was not on site and one male worker was working alone. I have met the shop worker before and explained that I was there for a complaint. I then picked up a can of very strong, Polish alcohol from the shelving and asked the shop assistant why it wasn't priced and why it was not labelled in English. The shop assistant became immediately aggressive and simply flew into a rage. I asked him to calm down and to contact the owner to discuss the matter but he simply would not listen. I explained again to calm down but he kept on shouting, swearing and stating that "I wasn't the police and told me get out of the shop". I stood my ground and stated I would not leave and again asked him to calm</p>

down and to contact the owner. By this point a number of street drinkers were stood outside around the doorway and were clearly not happy with my presence. I calmly went to the door and closed it as I felt it was the safer option than leaving and having to walk through the street drinkers. I calmly asked him for his name and explained that this situation was avoidable, but the shop worker simply continued to swear at me. I felt I would be able to calm the situation down if I remained calm. The shop assistant then physically pushed me against the wall/door and continued with his torrent of abuse. I repeated to the shop assistant to calm down and stated I would not leave for my own safety. He then pushed me out of the way and went outside and appeared to lock the door. I looked through the glass door to see the gentleman walk away shouting and then talking to the street drinkers. I tried the door but it was locked.

I then rang 101 to contact the police as I feared for my safety and could not leave the property. After approximately 5-6 minutes the shop worker came back to the shop just before two PCSO arrived from South Yorkshire Police. The shop workers behaviour was immediately calmer as he saw the two PCSO's and stated I had locked myself inside the shop and that I had become aggressive to him. I explained this was a complete fabrication of the truth. At this point the owner Mr Mustafa Halo Kaled arrived and spoke to the PCSO's and confirmed that the male shop worker was working for him in the business. The male shop worker then gave all his details to the PCSO's who passed the details onto me. His name was Mr [REDACTED] DOB [REDACTED].

The PCSO's asked for my explanation of the events and could see that I was visibly shaken. I explained what had happened and Mr [REDACTED] explained I was lying and nothing had happened. The PCSO's then asked to see the CCTV footage from inside the premises as there were a number of cameras visible in the shop and a large TV monitor. Mr [REDACTED] and Mr Kaled both stated that all the cameras did not work and there were no recording devices at all. At this point I was asked if I felt that the matter needed to be taken further as I had been physically assaulted and locked inside the premises and I stated yes.

Police Officer, Gemma Ibbitson was called to the scene and arrived within minutes. The same questions were asked about the assault and unlawful imprisonment and again Mr [REDACTED] and Mr Kaled explained that I had made the entire story up and nothing had happened. The Police Officer asked why the CCTV was not working and the owner stated it was being repaired. The Police Officer then asked for my explanation of events and I explained that I did not know the CCTV was not working and believed that I was being recorded whilst the assault was taking place as the TV monitor was fully visible and working at the time. Mr [REDACTED] was then hand cuffed and arrested and taken to Doncaster's main police station for questioning. I then left followed the police car back to the station to give a formal statement.

Unfortunately, Mr [REDACTED] would not admit the offence and stated I had locked myself in the shop and was aggressive to him and I had made the entire story up. As I had not suffered any physical injuries and the CCTV cameras inside the shop were not working/recording South Yorkshire Police released Mr [REDACTED] as there was insufficient evidence to prove the assault.

It is my belief that the incident occurred; as I may have stumbled onto a possible delivery of illicit tobacco and the aggressive behaviour of Mr [REDACTED] was simply get me to leave the property.

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.

Date Submitted	<u>4th September 2017</u>
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Licence Number: PREM354

Junction Stop
2 Broxholme Lane
Wheatley
Doncaster
DN1 2LJ

Monday 4th September 2017

Business Safety & Licensing
Doncaster Metropolitan Borough Council
Civic Office
Waterdale
Doncaster
DN1 3BU

Dear Sirs

Re.: Review of Premises Licence for Junction Stop

I wish to make representations, in respect of the above Review, as the licence holder. It will also be my intention to attend, and be represented at, any hearing resulting from the Review.

Please note the following:

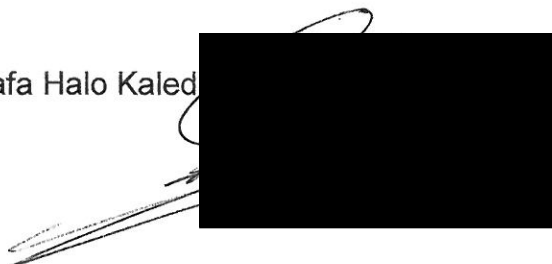
1. In his application for a Review, Mr. Stuart Jones says "Junction has consistently traded in illicit tobacco, despite warnings and advice of what types of tobacco can legitimately be sold". That accusation is identified as one of two separate grounds for review, in the public notice inviting representations. However, Mr. Jones offers absolutely no evidence of:
 - 1.1. Consistent trading. (Presumably this would be in addition to the alleged 3 test purchases as they constitute a separate ground and, in any event, three incidents over 8 months is hardly indicative of anything that is consistent); or
 - 1.2. Any warnings or advice that have been given.
2. I am far from satisfied that all, or possibly any, of the test purchases actually occurred. The descriptions given of these alleged events, as supplied to me, are lacking in credibility.
3. If any or all of the test purchases did occur, I can only assume that illicit tobacco was sold by one, or more, of my employees as a private, and unauthorised, enterprise of their own. I am seeking to investigate this matter and if I became satisfied that any employee did act in that way, he will be dismissed.
4. There have been numerous times (at least 6) over the last year when my shop has been searched by police officers, trading standards officers, officers of HM Revenue & Customs and/or Licensing Officers (in various combinations at various times) looking, no doubt among other things, for illicit tobacco products.

The searches have been thorough and persistent and, on every occasion, nothing has been found.

In all the circumstances, I submit that I would be grossly unfair for any action to be taken, to my detriment, as a result of this review.

Yours faithfully

Mustafa Halo Kaled

A black rectangular redaction box covers the signature of Mustafa Halo Kaled. To the left of the box, there are several horizontal lines and a small circular mark, likely remnants of the original signature or a stamp.