

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

MONDAY, 29TH JANUARY, 2018

A MEETING of the LICENSING SUB-COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE on MONDAY, 29TH JANUARY, 2018, at 9.30 am.

PRESENT:

Chair - Councillor Ken Keegan

Councillors Iris Beech, John Gilliver and Martin Greenhalgh.

1 EXCLUSION OF PUBLIC AND PRESS

The Chair outlined to those present in the Chamber that Appendices 1 to 4 of the agenda papers contained exempt information and when the Sub-Committee discussed the exempt information contained therein, it would be necessary to exclude the public and press from the meeting, to enable the Sub-Committee to discuss the contents of the appendices in private. The Chair indicated that the Premises Licence Holder and the Legal representative acting on behalf of the Premises Licence Holder, could remain in the meeting during consideration thereof. The public and press would be invited back into the Chamber, upon conclusion of Members' deliberations on the exempt information.

RESOLVED that the public and press be excluded from the meeting, during consideration of Appendices 1-4 of the report, in accordance with Section 100(A) (4) of the Local Government Act 1972, as amended, on the grounds that exempt information, as defined in paragraph 7 (information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime) of Part 1 of Schedule 12A of the 1972 Act, as amended, is likely to be disclosed.

2 DECLARATIONS OF INTEREST, IF ANY

No declarations of interest were made at the meeting.

3 MINUTES OF THE MEETING HELD ON 19TH DECEMBER, 2017

RESOLVED that the minutes of the Licensing Sub-Committee meeting held on 19th December, 2017, be approved as a correct record and signed by the Chair.

4 APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE - EUROPA MINI MARKET, 9-10 HOLMES MARKET, WHEATLEY, DONCASTER DN1 2NE

The Sub-Committee considered an application for a review of an existing premises licence in respect of Europa Mini Market, 9-10 Holmes Market, Wheatley, Doncaster, DN1 2NE, following an application received from Trading Services, responsible authority.

The review was brought before the Sub-Committee on the grounds of the Prevention of Crime and Disorder and Public Safety licensing objectives. The review related to

the sale of illicit tobacco during a test purchase operation at the premises and the seizure of illicit tobacco during a search of the premises, and of a vehicle linked to those premises. A summary of the application was attached as Appendix B to the report.

A representation in support of the review was received from South Yorkshire Police, which was attached at Appendix E to the report.

Trading Standards indicated that a copy of the application for review had been sent to the Premises Licence Holder and Responsible Authorities.

The Sub-Committee Members, the Premises Licence Holder and the Responsible Authorities, had received the agenda papers prior to the meeting.

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

The Licensing Officer introduced the report and outlined the salient points.

A representative from the Trading Standards Authority addressed the Committee, made representations and answered questions. To support the Trading Standards application for a review of the premises licence the Sub-Committee was asked to observe the seized tobacco goods as part of the representations.

The Premises Licence Holder and a Legal representative acting on behalf of the Premises Licence Holder, were in attendance at the meeting, made representations and answered questions.

During consideration of the review of the premises licence, the public and press were excluded from the meeting, to enable the Sub-Committee to consider the contents of Appendices 1 to 4 of the report, which contained exempt information.

The public and press were then invited back into the meeting.

The representative from the Trading Standards Authority and the legal representative acting on behalf of the Premises Licence Holder, made a closing statement.

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

All parties and the public and press were invited back into the meeting.

RESOLVED that the Licensing Sub-Committee having considered the application for a Review of the Premises Licence for Europa Mini Market, 9-10 Holmes Market, Wheatley, Doncaster, 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 the Council's Statement of Licensing Policy, had decided to revoke the licence.

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

The Sub-Committee had noted that the Premises Licence Holder is also the Designated Premises Supervisor and the licence contained a section about the control

of counterfeit and illicit products. Mr Aziz confirmed that he was well aware of his obligations and that it was illegal to sell illicit or smuggled tobacco from his premises.

Regarding the test purchase on 11th May 2016, Mr Aziz said it was not him who had sold the illicit tobacco. Regarding any employees, Mr Aziz said he gave them training when they commenced employment and constantly reminded them not to sell illicit tobacco. But did not give any specific information about how he had ascertained any of his staff were not involved in the test purchase, nor any actions that he took to ensure the premises were operating so as not to undermine the licensing objectives, even when he had been told about the test purchase. It was not clear who had sold the product, but the Premises Licence Holder was responsible for these actions. The Sub-Committee was satisfied that there had been a test purchase which resulted in smuggled and/or illicit tobacco being purchased from the premises and therefore, believed that the premises had been used for the sale of smuggled tobacco and therefore, had been trading irresponsibly.

The Sub-Committee noted the premises did have CCTV, but noted that Mr Aziz was unclear about how long recordings were kept and whether or not it was in fact, operational. CCTV was a key condition to ensure the promotion of the licensing objectives and the Sub-Committee was concerned that Mr Aziz appeared not to have full knowledge of its operation, and stated recordings were kept for 3 days until the licensing manager pointed out the conditions of the CCTV operation when Mr Aziz then stated that recordings were kept for 31 days.

It was submitted to the Sub-Committee that Mr Aziz was well aware of his responsibilities in relation to his license. The Sub-Committee was concerned that Mr Aziz, the Premises Licence Holder and Designated Premises Supervisor, was not able to confirm the licensing objectives and when asked to confirm his understanding of the licensing objectives, picked examples of conditions and not licensing objectives. The Sub-Committee was concerned that if Mr Aziz was not sure of the licensing objectives, how could he be operating the license in accordance with the licensing objectives.

The Sub-Committee therefore had no confidence that the premises is operating so as to promote the licensing objectives.

CHAIR: _____

DATE: _____