



# Doncaster Council

## Agenda

---

To all Members of the

## LICENSING SUB-COMMITTEE

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

**Venue:** Council Chamber - Civic Office

**Date:** Monday, 29th January, 2018

**Time:** 9.30 am

---

### Items for Discussion:

| Item   | 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 19th December, 2017  | 1 - 4   |

### A. Reports where the Public and Press may not be excluded.

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

---

Issued on: 19th January, 2018

Governance Services Officer for this meeting

Andrea Hedges  
Tel: 01302 736716

**Doncaster Metropolitan Borough Council**  
**www.doncaster.gov.uk**

5. Application for a Review of an Existing Premises Licence - Europa Mini Market, 9-10 Holmes Market, Wheatley, Doncaster DN1 2NE 5 - 76

*(Appendices 1-4 to the report are not for publication as it contains exempt information as defined in paragraph 7 (information relating to any action taken or to be taken in connection with the prevention,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 Local Government Act, 1972, as amended).*

### **Members of the Licensing Sub-Committee**

Chair – Councillor Ken Keegan

Councillors Iris Beech, John Gilliver and Martin Greenhalgh.

# Public Document Pack Agenda Item 4

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### LICENSING SUB-COMMITTEE

TUESDAY, 19TH DECEMBER, 2017

A MEETING of the LICENSING SUB-COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on TUESDAY, 19TH DECEMBER, 2017, at 9.30 am.

#### PRESENT:

Chair - Councillor Linda Curran

Councillors Iris Beech, Steve Cox and Charlie Hogarth.

#### 1 DECLARATIONS OF INTEREST, IF ANY

There were no declarations of interest made at the meeting.

#### 2 MINUTES OF THE MEETING HELD ON 16TH OCTOBER, 2017

RESOLVED that the minutes of the Licensing Sub-Committee meeting held on 16th October 2017, be approved as a correct record and signed by the Chair.

#### 3 APPLICATION FOR A NEW PREMISES LICENCE - BAWTRY HALL, SOUTH PARADE, BAWTRY, DONCASTER, DN10 6JH

The Sub-Committee considered an application for a new premises licence in respect of Bawtry Hall, South Parade, Bawtry, Doncaster, DN10 6JH.

The premises concerned related to a stately home. The application was for a new premises licence to allow the premises to carry out licensable activities between the hours, as detailed in the report. A summary of the application was attached as Appendix B to the report.

Following discussions with the Environmental Health department, the Applicant had asked for additional conditions to form part of his application. These conditions were also shown at Appendix B and relevant correspondence is reproduced at Appendix F.

Representations regarding the application had been received from nearby residents, copies of which were attached at Appendix E of the report. A copy of the application had been sent to each of the Responsible Authorities. Details of the application have been published on the Council website.

One of the persons, who had made written representations, had indicated that the premises were located in an area that was subject to a Cumulative Impact Policy, namely Area 3, Bawtry Town Centre (Section 7 of Doncaster Council's Statement of Licensing Policy 2016 - Licensing Act 2003). Doncaster Council's Highways Network Management Team had confirmed that the premises address is South Parade, which was not subject to the Cumulative Impact Policy.

Subsequently, the Licensing Authority had contacted the Planning Department to seek clarification regarding the use of the entrance onto South Parade, as referred to in the

written representations. A copy of the response received was attached to the report at Appendix G.

It was noted that the Senior Planning Officer dealing with applications for Bawtry Hall and the Highways Officer had advised that the existing permitted uses for the site includes a wedding venue, restaurant/café, offices and residential uses. Planning has an application to convert the restaurant/café area to a wedding venue/function area/conferencing area including gardens. The Highways team have been consulted and have assessed the accesses.

The existing uses for the site were only allowed to use the Pemberton access and could operate now within the uses they have planning for including, taxi's down Pemberton and could be a similar intensity as the proposed use. The access from South Parade has never been allowed in any planning applications due to the Highway safety risk of traffic backing up and accessing the site near the junction. It has only ever been allowed to be used for pedestrians.

The Senior Planning Officer and Highways Officer do not support the use of the South Parade access for more than two wedding vehicles a day for the above reasons and the planning application will be restricted to this.

At the moment the applicant can still use Pemberton for the existing wedding use that is allowed and can operate, for the café/restaurant if they implemented this, offices and residential.

The latest closing time for an approved permission is only allowed until 23:00 (above uses).

The new planning permission for more wedding/functions/conferencing space, is applied for until 2.00 am (17/02457/FUL and 17/02458/LBC).

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

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

Subsequent to the despatch of the agenda papers, David Smith, Licensing Officer in presenting the report, drew Members' attention to a drafting error in paragraph 4 of the report in relation to the operating hours of the premises, which had been amended to 2:00 hours.

The Applicant and Agent acting on behalf of the applicant were in attendance at the meeting, made representations and answered questions.

The Persons, who had made written representations, were in attendance at the meeting, made representations in respect of their objection to the application and answered questions.

During the course of the meeting, the Agent acting on behalf of the Applicant amended Condition 3 of the additional conditions agreed with Environmental Health (Appendix B of the report) in the following terms:-

'Speakers used to relay amplified music, singing and speech provided as part of the regulated entertainment shall not be positioned outside the premises, (fabric of the building) except for background music for functions held in the grounds up to 9.00 pm.'

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

RESOLVED that the Licensing Sub-Committee having considered the application for a new premises licence in respect of Bawtry Hall, South Parade, Bawtry, Doncaster, DN10 6JH 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, have decided to Grant the Application in the terms as set out in Appendix B, subject to the following amendments and additional conditions:-

Condition 2 at Appendix B, be amended so that the time is changed from 11.00 pm to 9.00 pm.

Condition 3 at Appendix B, be amended so that 'except for background music for functions held in the grounds. Such background music shall not be audible at the boundary of the nearest noise sensitive property after 9.00 pm.

Condition 4 at Appendix B, be replaced with 'Clear and prominent signage must be affixed to all external exit doors and displayed in the car parks informing guests to leave the premises quietly whether exiting on foot or in a vehicle to respect neighbouring properties.

Additional Conditions:-

Contact details to enable residents to raise concerns regarding events taking place at the premises are made available by the Premises, including being placed on the Premises Website.

For events where guests total 50 or more there shall be Marshals in place so that the guests and vehicles arriving, leaving and parking at the venue can be appropriately directed and monitored.

The Sub-Committee noted the Applicant has shown a commitment to promoting the licensing objectives, both in the operating schedule and in their representations today. It was submitted and the Sub-Committee agrees that residents should not have to put up with noise emanating from this premises that amounts to a public nuisance. Bottle banks are not to be emptied until after 9.00 am and not on a Sunday. The Sub-Committee also noted the concerns of the objectors and the fact that the area is subject to existing parking issues arising from Bawtry. It was also noted that the only permissible access to the Premises is via a residential estate. Recently there have been 8 events for up to 150 guests taking place until 12.30 am. It was noted that there have been some parking issues, but no complaints of noise although none of the events have taken place outside and the Applicant has confirmed that his intention is to have events outside. The Applicant has volunteered 9.00 pm as a time after which

residents should not hear noise emanating from the premises from background music through speakers. The Sub-Committee also feels that Condition number 2 at Appendix B should be consistent with that time.

The Applicant has explained that the Premises will be using the car park at the front of the Hall where there are 70 car parking spaces. The Applicant confirms Marshalls will be in place. The Premises can use the car park at the Crown Hotel in Bawtry as an overflow. There are 200 spaces at the Crown Hotel. Pedestrians will be exited out of the main gate and taxis will be asked to pick up and drop off at the Market Square in Bawtry. All the events will be pre booked events only.

The Sub-Committee was therefore satisfied that, with the amended and added conditions, this would ensure the promotion of the licensing objectives.

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

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



## Doncaster Council

Report

29 January, 2018

---

To the Chair and Members of the

### **LICENSING SUB-COMMITTEE**

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

**Europa Mini Market, 9-10 Holmes Market, Wheatley, Doncaster, DN1 2NE**

#### **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 Europa Mini Market, 9-10 Holmes Market, Wheatley, Doncaster, DN1 2NE. 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.

#### **EXEMPT REPORT**

4. Appendices 1-4 are NOT FOR PUBLICATION because they contain exempt information within paragraph 7 of Schedule 12A of the Local Government Act 1972, as amended '*Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime*'
  - Documents which are subject to an ongoing criminal prosecution.

#### **BACKGROUND**

5. The premises concerned are currently licensed for the sale of alcohol for consumption off the premises 8.00am to midnight, 7 days a week.

6. Mr Rizgar Ismail Aziz has been the Premises Licence Holder and Designated Premises Supervisor since 4 November 2016.
7. The application for a review is brought by Trading Standards, a Responsible Authority under the Licensing Act 2003. The review relates 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.
8. A summary of the application is attached as Appendix B to this report.
9. A location plan of the premises is attached at Appendix C.
10. A copy of the application is attached at Appendix D.
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. A representation in support of the review has been received from South Yorkshire Police. A copy of the representation is attached at Appendix E.
13. A copy of the Premises Licence and Plans are attached at Appendix F.
14. Exempt documents NOT FOR PUBLICATION are attached at Appendices 1-4.
15. The applicant has indicated that a copy of the application for review was sent to the Premises Licence Holder and Responsible Authorities.

## **OPTIONS CONSIDERED**

16. 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.
17. 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

18.

|  | <b>Outcomes</b>   | <b>Implications</b>  |
|--|---|--|
|  | <p>All people in Doncaster benefit from a thriving and resilient economy.</p> <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>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 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</i></li> </ul>   | <p>None</p>  |

|  |   |      |
|--|---|------|
|  | <i>Doncaster's vital services</i>   |      |
|  | Council services are modern and value for money.                            | None |
|  | Working with our partners we will provide strong leadership and governance. | None |

## **RISKS AND ASSUMPTIONS**

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

## **LEGAL IMPLICATIONS**

20. 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 appeal against the decision of the licensing authority may be made to the Magistrates' Court.

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

## **FINANCIAL IMPLICATIONS**

21. 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**

22. Not applicable

## **TECHNOLOGY IMPLICATIONS**

23. Not applicable

## **EQUALITY IMPLICATIONS**

24. 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**

25. 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**

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

## **REPORT AUTHOR & CONTRIBUTORS**

David Smith, Licensing Officer  
Telephone: 01302 862546  
Email: [david.smith@doncaster.gov.uk](mailto:david.smith@doncaster.gov.uk)

Helen Wilson, Senior Legal Officer  
Telephone: 01302 734688  
Email: [helen.wilson@doncaster.gov.uk](mailto:helen.wilson@doncaster.gov.uk)

Richard Taylor, Finance Manager  
Telephone: 01302 737984  
Email: [richard.taylor@doncaster.gov.uk](mailto:richard.taylor@doncaster.gov.uk)

**Peter Dale**  
**Director of Regeneration and Environment**

**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).

**Name of Applicant: Doncaster Trading Standards Responsible Authority**

**Name of Premises: Europa Mini Market**

**Address: 9-10 Holmes Market, Wheatley, Doncaster, DN1 2NE**

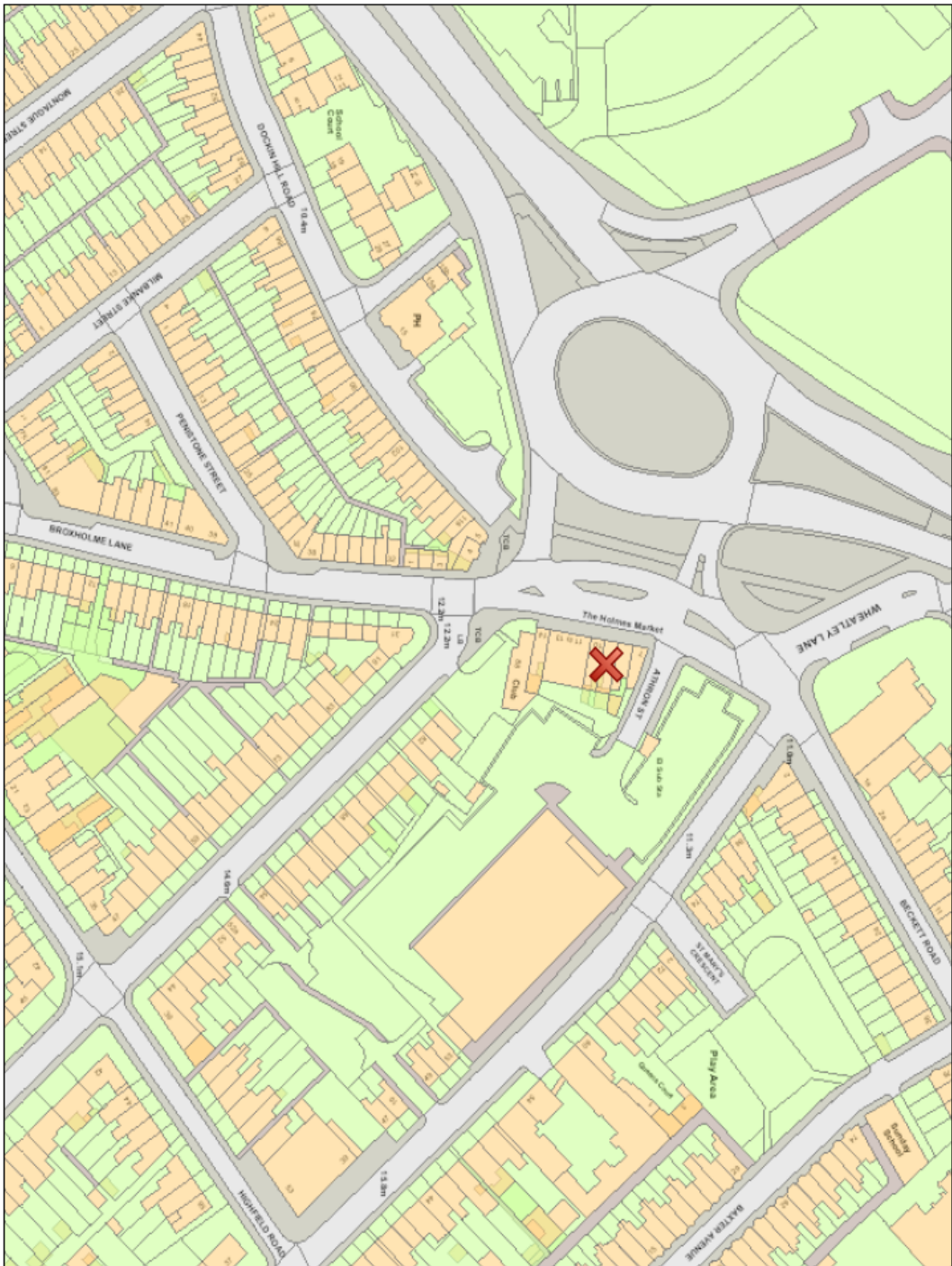
**Summary of Application:**

The grounds for the application for review are:

- The Prevention of Crime and Disorder
  - Public Safety
- 
- On 11 May 2017 the above premises failed a test purchase operation for the sale of illicit tobacco.
  - On 4 July 2017 a search of those premises and a vehicle linked to the premises carried out by Trading Standards and South Yorkshire Police, resulted in the discovery and seizure of illicit cigarettes and tobacco.

**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.



Key :  
 premises location

|                |  |
|----------------|--|
| Notes :        | 9-10 Holmes Market<br>Wheatley<br>Doncaster<br>DN1 2NE |
| Title :        | Europa Mini Market                                     |
| Completed By : | DS   |
| Reference :    | WK/217019162   |
| Date :         | 04/01/2018   |
| Scale :        | 1:1,563  |

This page is intentionally left blank

*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 Russell Fielding  
 (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**

|  |                                       |
|--|---------------------------------------|
| <b>Postal address of premises or, if none, ordnance survey map reference or description</b><br>Europa Mini Market, 9-10 Holmes Market, Doncaster |                                       |
| <b>Post town</b><br>Doncaster  | <b>Post code (if known)</b><br>DN12NE |

|   |
|---|
| <b>Name of premises licence holder or club holding club premises certificate (if known)</b><br>Rizgar Ismail Aziz |
|---|

|   |
|---|
| <b>Number of premises licence or club premises certificate (if known)</b><br>LN/201501269 |
|---|

**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<br>Russell Fielding<br>Doncaster MBC Trading Standards Service<br>Civic Office<br>Waterdale<br>Doncaster<br>DN1 3BU |
| Telephone number (if any)<br><b>01302 737524</b>   |
| E-mail address (optional)<br>Russell.fielding@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

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

Illicit tobacco is being sold from Europa Mini Market.

Sale of illicit tobacco is a crime:

There is an issue with the sale of illicit tobacco across the UK and particularly prevalent in Doncaster.

The trade in illicit tobacco can be defined as the production, import, export, possession or sale of tobacco products which do not comply with legal requirements.

Three main sources exist :

**SMUGGLED TOBACCO** – 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 has been paid on these items.

**BOOTLEGGED** (Cheap whites) are products that are legitimate within foreign countries with lower taxation levels than the UK (generally Eastern European/Russian countries). These are usually smuggled on small scale by individuals or lower level organised crime gangs. Again – no duty is paid into the UK when “imported” this way.

**COUNTERFEIT PRODUCTS.** These products are made without the consent of the trade mark owner and manufactured illegally. They are generally made from inferior materials and then packaged to look as close to the originals as possible.

There are a number of serious consequences that stem from illicit tobacco being readily available.

The low cost of these cigarettes makes the smoking habit more affordable and serves as an introductory gateway for those under 18. Those willing to trade in illicit tobacco are more likely to sell to those under 18. It also serves to undermine the work Public Health undertakes to promote the “Stop Smoking” services.

As no tax is paid on these products, central government loses this stream of duty /revenue, placing a further burden on the health service, central and local government.

Illicit trade funds organised crime and has been increasingly linked to modern slavery.

Illicit products can contravene **safety legislation** as the majority of these products do not comply with the “reduced ignition propensity” requirements of the safety standard introduced in the UK in 2010.

In practice this means that an illicit cigarette will continue to burn if left unattended, whereas compliant products will extinguish themselves and therefore pose much less of a 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.

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 a certain criminal activity that may arise in connection with licenced premises which should be treated particularly seriously; these are the use of licenced 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.

Illicit sales provide illegal profit for any shopkeeper. For a person entrusted with a licence, this serves to undermine the public trust placed in that position by the local authority .It not only costs local and central government but also (damages)takes away from those local traders in Doncaster running legitimate businesses.



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

Doncaster Trading Standards Service received information alleging that "Europa Mini Market" were engaging in the supply of illicit tobacco products. In order to investigate the allegation, the Local Authority Trading Standards Service employed a test purchaser to attempt to buy illicit cigarettes.

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

**Test purchase :**

On **Thursday 11<sup>th</sup> May 2017**. The Trading Standards Service employed a test purchaser to attempt to purchase illicit tobacco from the premises.

At approximately 15.40am, the test purchaser attended a "Europa", 9-10 Holmes Market, Wheatley, DN12NE. The test purchaser asked for cheap cigarettes and was sold a packet of "L&M Blue" priced £5.00.

Please refer to Appendix 1 and 2 as the details are subject to an ongoing Criminal Prosecution.

**Thursday 15<sup>th</sup> June 2017**

Following the granting of authorisation to conduct covert surveillance under the Regulation of Investigatory Powers Act 2000. On Thursday 15<sup>th</sup> June 2017, surveillance was conducted at Europa Mini Market.

Surveillance confirms that the licensee was present and that a vehicle was parked outside the premise. Between 09:46 hrs and 11:10 hrs observations were made of the licensee attending the vehicle and taking something small from the boot of the vehicle on a number of occasions and that on returning to the premise he handed customers a small packet directly to their hands or in a small black bag.

Please refer to Appendix 3 as the details are subject to an ongoing Criminal Prosecution.

**Tuesday 4<sup>th</sup> July 2017**

On Tuesday 4<sup>th</sup> July 2017 an inspection and search of the premises was conducted by Doncaster Trading Standards officials and South Yorkshire Police along with the aid of a tobacco detection dog.

Officers noted on approaching the business premise at approximately 09.30hrs that on the hard standing outside the premise the same vehicle that had been parked previously was again parked there.

The licensee of the business was present.

The tobacco detection dog was directed to the vehicle and the dog indicated that tobacco products were present inside the vehicle.

In the boot of the vehicle was a large quantity of tobacco products that outwardly appeared to be illegal products. The goods in question were removed from the vehicle and taken into the shop.

All the products were placed in transparent polythene bags and sealed with security seals, before being seized by Officers.

Please refer to Appendix 4 as the details are subject to an ongoing Criminal Prosecution.

**Thursday 6<sup>th</sup> July 2017**

On Thursday 6<sup>th</sup> July 2017, the tobacco products were counted and amounted to 10.500 cigarettes and 250g of hand rolling tobacco.

Please refer to Appendix 4 as the details are subject to an ongoing Criminal Prosecution.

**Friday 20<sup>th</sup> October 2017**

On Friday 20<sup>th</sup> October 2017, the licensee was interviewed under caution and in accordance with The Police and Criminal Evidence Act 1984 at the Civic Offices, Doncaster. The licensee chose to “no comment” to all questions put to him.

Please refer to Appendix 4 as the details are subject to an ongoing Criminal Prosecution.

**List of Appendices (withheld due to criminal proceedings)**

Appendix 1 – Statement of witness relating to test purchase of cigarettes on 11/05/2017 and associated exhibits.

Appendix 2 - Statement of witness relating to test purchase of cigarettes on 11/05/2017 and associated exhibits.

Appendix 3 – Statement of witness relating to surveillance observations

Appendix 4 – Statement of witness relating to the inspection, seizure and interview of licensee

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

Please tick ✓ yes

If yes please state the date of that application

Day    Month    Year

|   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|
| ± | ± | ± | ± | ± | ± | ± | ± | ± |
|---|---|---|---|---|---|---|---|---|

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

N/A

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 **21<sup>st</sup> November 2017**

.....

Capacity **Senior Trading Standards Officer**

.....

|   |                             |
|---|-----------------------------|
| <b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)<br>Russell Fielding<br>Doncaster Council Trading Standards Service<br>Civic Office<br>Waterdale |                             |
| <b>Post town</b><br>Doncaster   | <b>Post Code</b><br>DN1 3BU |
| <b>Telephone number (if any)</b> 01302 737524   |                             |
| <b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> Russell.fielding@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.



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

RE- Sale of Illicit Tobacco

Europa Mini Market  
9 – 10 Holmes Market,  
Wheatley  
Doncaster  
DN1 2NE

Following on from a failed test purchase on 11<sup>th</sup> May, where illicit tobacco was purchased by Doncaster Trading Standards team, surveillance work was then carried out on 15<sup>th</sup> June; resulting on the 4<sup>th</sup> July the premise was searched by Trading Standards & South Yorkshire Police, where illegal cigarettes were discovered within the boot of a vehicle.

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

This page is intentionally left blank

Mr Rizgar Ismail Aziz  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

**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/201501269  
**Your Ref:**

Dear Licence holder,

**Premises Licence - LN/201501269 - Licensing Act 2003**  
**Europa Mini Market, 9-10 Holmes Market, Wheatley, Doncaster, DN1 2NE**

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>A 0- 4300</b>       |
| <b>Premises Band:</b>             | <b>A</b>               |
| <b>Date licence First Issued:</b> | <b>16th March 2016</b> |
| <b>Client Number:</b>             | ██████████             |
| <b>Contract Number:</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.
- 9) The 2003 Act provides special arrangements for the continuation of permissions under a premises licence when the holder of a licence dies suddenly, becomes bankrupt/insolvent/dissolved, mentally incapable, ceases to be entitled to work in the UK or the licence is surrendered. In the normal course of events, the licence would immediately lapse in such circumstances. The Act provides for the licence to be capable of being reinstated in a discrete period of time in certain circumstances. A person who may apply for the grant of a premises licence may apply within 28 consecutive days of the lapse for the transfer of the licence to them with immediate effect pending the determination of the application. This will result in the licence being reinstated from the point at which the transfer application was received by the licensing authority.

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.**

### DO YOU BUY ALCOHOL FOR ONWARD SALE OR SUPPLY FROM A UK WHOLESALER?

From 1 April 2017 it is an offence to buy alcohol for onward sale or supply from an unapproved UK wholesaler.

The Alcohol Wholesale Registration Scheme (AWRS) was introduced to help HM Revenue and Customs (HMRC) tackle alcohol fraud.

Any business buying alcohol from a UK wholesaler for onward sale or supply to their customers will need to check that their wholesaler has been approved by HMRC under AWRS.

You can check your UK wholesaler is AWRS approved by using the alcohol wholesalers register online at [www.gov.uk/check-alcohol-wholesaler-registration](http://www.gov.uk/check-alcohol-wholesaler-registration). You will need your wholesalers unique reference number (URN), which should be displayed on their invoice. Speak to your wholesaler if you can't find their URN.

Once you find your wholesaler on the register, keep a record of your check by printing off or saving the page to confirm that they are approved. HMRC may ask you for those details at a later date.

If you are unable to find your wholesaler on the register, tell them that they need to contact HMRC for approval. You should not buy alcohol from them and should notify HMRC by searching for Customs, Excise and VAT fraud reporting on GOV.UK.

Any business found buying alcohol from a non-registered UK wholesaler could have their alcohol stock seized, be fined or even prosecuted.

For more information, go to GOV.UK and search for the Alcohol Wholesaler Registration Scheme.

Don't get caught short.

LICENSING ACT 2003  
Section 24

**Premises Licence**

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

**Premises licence number**

LN/201501269

**Part 1 – Premises details**

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

Europa Mini Market  
9-10 Holmes Market  
Wheatley  
Doncaster  
DN1 2NE

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 plans)   | Whole of Premises |
| Mon  | 08:00 - 00:00               | 08:00 - 00:00     |
| Tues | 08:00 - 00:00               | 08:00 - 00:00     |
| Wed  | 08:00 - 00:00               | 08:00 - 00:00     |
| Thur | 08:00 - 00:00               | 08:00 - 00:00     |
| Fri  | 08:00 - 00:00               | 08:00 - 00:00     |
| Sat  | 08:00 - 00:00               | 08:00 - 00:00     |
| Sun  | 08:00 - 00:00               | 08:00 - 00:00     |

*Non-Standard Timings:*

**None**

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

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

**Part 2**

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

|  |   |
|--|---|
| <b>Mr Rizgar Ismail Aziz</b><br>[REDACTED]<br>[REDACTED]<br>[REDACTED] | <b>Telephone Number:</b><br><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>Rizgar Ismail Aziz</b><br>[REDACTED]<br>[REDACTED]<br>[REDACTED] | <b>Telephone Number:</b> [REDACTED] |
|---|-------------------------------------|

*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/201600776 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.
- 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*

### The Prevention of Crime and Disorder

CCTV installed at the premises to cover the internal customer area and the front external area of the Premises.

The equipment will be maintained to the standard of South Yorkshire Police Policy. All images to be retained for a minimum of 31 days and to be made available on request to authorised officers.

The premises are secured and alarmed when closed.

No singular alcoholic drinks, beer, lager & cider in cans will be sold; a minimum purchase of 4 will be required.

The DPS to attend Shop watch meetings, while the scheme is running.

Spirits of high ABV will be stored behind the counter.

When the DPS is not on duty a contact telephone number will be available at all times.

Records of incidents will be recorded in an Incident log and retained on the premises for 12 months. The premises will operate and record all Incidents of criminal activities, anti-social behaviour and injuries to persons using the following

- Compliance log books
- Customer Refusal,
- Authorisation of Alcohol,
- ID Signature,

to assist the police and authorities in carrying out their investigations.

All log books are fit for purpose and will be retained on the premises for 12 months.

### The Prevention of Public Nuisance

The premises will display notices asking customers to leave the area quickly and quietly.

### The Protection of Children from Harm

The premises will adopt the Challenge 25 policy together with an Age Verification training scheme. The training subject matter will consist of underage sales, checking ID, proxy sales, basic conflict management and relevant areas of the Licensing Act 2003 with penalties for breach.

Refresher training will be carried out every 12 months.

All training records to be stored on the premises and available for inspection by Authorised Officers.

The only ID that will be accepted is a;

- Valid passport,
- UK Driving Licence or,
- National ID cards, as per government guidelines.

The premises will also maintain an ID signature log book as an additional support.

All refusals of sale for alcohol to suspected underage / drunk persons will be entered in a log book. Additional signage regarding proxy sales will be displayed near the alcohol sales areas.

Notices will be displayed to this effect in prominent positions in the shop.

*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/201501269**

**Premises details**

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

Europa Mini Market  
9-10 Holmes Market  
Wheatley  
Doncaster  
DN1 2NE

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 plans)   | Whole of Premises |
| Mon  | 08:00 - 00:00               | 08:00 - 00:00     |
| Tues | 08:00 - 00:00               | 08:00 - 00:00     |
| Wed  | 08:00 - 00:00               | 08:00 - 00:00     |
| Thur | 08:00 - 00:00               | 08:00 - 00:00     |
| Fri  | 08:00 - 00:00               | 08:00 - 00:00     |
| Sat  | 08:00 - 00:00               | 08:00 - 00:00     |
| Sun  | 08:00 - 00:00               | 08:00 - 00:00     |

*Non-Standard Timings:*

**None**

*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 Rizgar Ismail Aziz  
11 Beckett Road  
Doncaster  
DN2 4AA**

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

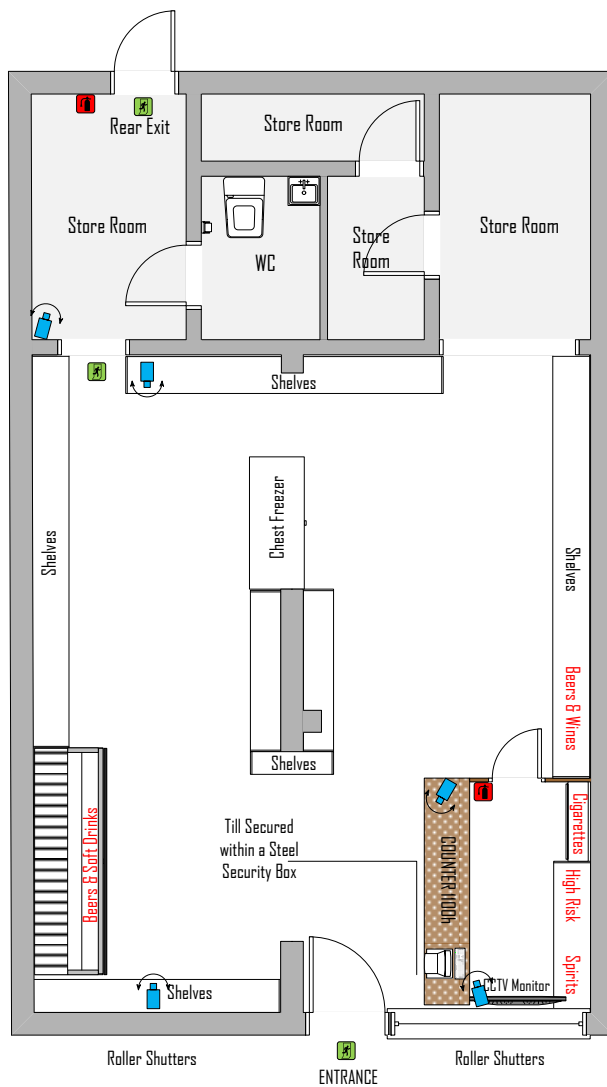
**Registered Number:**

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

**Rizgar Ismail Aziz**

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

This page is intentionally left blank



EUROPA MINI MARKET

|   |   |   |
|---|---|---|
| <p>DRAWING PURPOSE:</p> <p><b>PREMISES LICENCE APPLICATION</b></p>  | <p>NAME OF PREMISES:</p> <p><b>EUROPA MINI MARKET</b></p>               | <p>PREMISES ADDRESS:</p> <p><b>9 HOLMES MARKET<br/>WHEATLEY HALL ROAD<br/>DONCASTER<br/>DN1 2NE</b></p> |
| <p>DETAILS:</p> <p>This Drawing is not to be used for the purpose of building or shop fitting purposes and not to be used as an Architectural purposes. This Drawing is to used for the purpose of the submittal of a Premises Licence Application. All measurements have been drawn using millimetres Alcohol and any High Risk Goods have been illustrated in red</p> | <p>SCALE:</p> <p><b>1:100</b></p> <p>DATE:</p> <p><b>21/01/2016</b></p> | <p><b>Page 45</b></p>   |

This page is intentionally left blank



By virtue of paragraph(s) 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank