

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

FRIDAY, 16TH MARCH, 2018

A MEETING of the LICENSING SUB-COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on FRIDAY, 16TH MARCH, 2018, at 9.30 am.

PRESENT:

Chair - Councillor Linda Curran

Councillors Iris Beech, John Gilliver and Martin Greenhalgh

- 1 To consider the extent , if any, to which the public and press are to be excluded from the meeting.

Whilst the report considered at Agenda Item 5 was not exempt, it contained a pack of exempt appendices which were not for publication under Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) (information relating to any action taken or to be taken in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).

- 2 Declarations of interest, if any.

There were no declarations made at the meeting.

- 3 Minutes of the meetings held on 12th and 14th February, 2018.

RESOLVED that the minutes of the meetings held on the 12 and 14 of February, 2018, be noted as a true record.

- 4 Application to review an existing premises licence for Windhill Convenience Store, 119 Hirst Gate, Mexborough, Doncaster, S64 0DY.

The Sub-Committee considered an application for a review of an existing premises licence in respect of Windhill Convenience Store, 119 Hurst Gate, Mexborough.

The review was brought before the Sub-Committee on the grounds of the Prevention of Crime and Disorder and Public Safety licensing objectives. A summary of the application was attached at Appendix B to the report.

Representations in support of the review had been received from South Yorkshire Police, a copy of which was attached at Appendix E of the report.

It was indicated that a copy of the application for the review had been given to the Premises Licence Holder and Responsible Authorities.

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

The Sub-Committee noted that the Premises Licence Holder was not in the attendance at the meeting despite having had adequate notification of the hearing in the form of the initial application to review the licence, a notification outside the shop of the review, and the agenda papers. Furthermore, a phone call was also made at the meeting in order to try and determine the Premises Licence Holder's whereabouts. Therefore it was felt that it was in the public interest to allow the hearing to go ahead as the individuals concerned had been given ample opportunity and notice to attend and the process had been clear and transparent throughout.

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

The Chair and Members noted that there were no Members of the Public or Press present at the meeting and therefore:-

It was RESOLVED that as there was exempt information defined under Paragraph 7 (information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime) of Part of Schedule 12A of the Local Government Act 1972, (as amended) the meeting be held in private session.

Diane Terry and Stuart Jones, Senior Trading Standards Officer on behalf of Trading Standards, addressed the Sub-Committee, answered questions and made representations.

With the agreement of all parties, evidence from an independent third party, confirming that one of the products seized was illicit counterfeit tobacco, was circulated to all present at the meeting.

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

The Sub-Committee considered the application for a Review of the Premises Licence for Windhill Convenience Store, 119 Hirst Gate, Mexborough, Doncaster S64 0DY and have 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 and have decided to revoke the licence:

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

- 1) The Sub-Committee believes that a packet of illicit tobacco was sold during a test purchase operation. We were shown the packet and we believe this is illicit. The Sub Committee believes that selling cigarettes that are not to the relevant standards puts the health of the public a risk not just from the tobacco but from the risk of fire. This undermines the Public Safety Licensing objective.
- 2) The Committee noted Trading Standards conducted an inspection of the premises. A large quantity of tobacco was found at the premises including some tobacco that was handed over by Morteza Feuji Sharemi who is one of the Premises License Holders. The Premises was subject to a further search 6 months later and more illicit tobacco was found at the Premises. This inspection

took place during the period of the Review Consultation. It was submitted and the Sub Committee believes that this shows consistent behaviour of storing illicit tobacco that the Premises License Holders would know is unlawful thereby undermining the Crime and Disorder Objective. Trading Standards have previously sent to the Premises in November 2015 a general letter of guidance which includes guidance on the sale of Tobacco. Further evidence has been obtained from the manufacturers of Amber Leaf Rolling Tobacco that the sample of the tobacco seized was found to be counterfeit.

- 3) During one of the inspections Trading Standards were told that the CCTV was not working which the Sub Committee notes is a breach of the licence conditions.
- 4) No one from the premises has attended the hearing despite being sent the Application and the Agenda for the hearing. The Committee believes they are not taking this matter seriously and the Committee further believes the Premises is trading irresponsibly thereby undermining the Licensing Objectives.
- 5) The Sub Committee note the Home Office Guidance and specifically para 11.27 and feel, as the premises are being used for the sale and storage of smuggled tobacco there are no measures that would be appropriate other than to revoke the license.

CHAIR: _____

DATE: _____