

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

MONDAY, 31ST JULY, 2017

A MEETING of the LICENSING SUB-COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on MONDAY, 31ST JULY, 2017, at 9.30 am.

PRESENT:

Chair - Councillor Linda Curran

Councillors Iris Beech, Mark Houlbrook and John Gilliver.

1 DECLARATIONS OF INTEREST, IF ANY

No declarations were made at the meeting.

2 APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE FOR 'NEW BODRUM', 13-15 SILVER STREET, DONCASTER, DN1 1HG

The Sub-Committee considered an application for a review of an existing premises licence in respect of 'New Bodrum', 13-15 Silver Street, Doncaster, DN1 1HG, following an application received from South Yorkshire Police.

The review was brought before the Sub-Committee on the grounds of 'the Prevention of Crime and Disorder licensing objective. A summary of the application was attached as Appendix B to the report.

A representation in support of the application for review had been received from the Licensing Authority (as a Responsible Authority), a copy of which was attached at Appendix E of the report.

South Yorkshire Police had indicated that a copy of the application for review had been sent to the Premises Licence Holder and Responsible Authorities. The application had been advertised on a blue notice at the premises, in the Council's Civic Office and published on the Council's website.

The Sub-Committee Members, the Premises Licence Holder 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.

Paul Williams, Business and Safety Licensing Manager introduced the report and outlined the salient points. He reported that additional information in relation to the supply of all night refreshments had been shared with the Senior Legal Officer prior to this meeting.

Mr John Whittaker, Solicitor acting on behalf of South Yorkshire Police, addressed the Sub-Committee answered questions and made representations. Furthermore, additional documentation relating to Police Constable Simon Lindley's witness statement had been circulated to Members of the Sub-Committee and the Premises

Licence Holder prior to the meeting. Andrew Steele, (Licensing Enforcement Officer), South Yorkshire Police and Police Constable Iain Robb, South Yorkshire Police were in attendance at the meeting in support of the application for review of the licence.

Daniel Weetman, (Senior Environmental Health Practitioner) from the Licensing Authority was also in attendance in support of the review and addressed the Sub-Committee and answered questions. During Mr. Weetman's presentation and with the agreement of all parties, an additional document was circulated relating to a Simple Caution, which had been signed by the Premises Licence Holder and had not been provided to the Sub-Committee prior to this hearing.

The Premises Licence Holder was in attendance at the meeting, made representations and answered questions.

During discussion the Senior Legal Officer, explained the definition of late night refreshment, as set out in Schedule 5 of the Licensing Act 2003 and drew Members' attention to the exemptions regarding the supply of late night refreshment. Copies of the relevant section were handed to all parties

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 New Bodrum, 13-15, Silver Street, Doncaster and having taken into account the written representations made and the evidence presented today, the steps that were appropriate to promote the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy, RESOLVED to Revoke the licence.

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

The Sub-Committee noted that the Police was concerned about crime occurring between 4.00 am and 6.00 am on Silver Street, Doncaster and had asked premises who had a licence after 4.00 am to undertake a voluntary closure to combat the Crime and Disorder on Silver Street. The Police was aware that the premises had on 2 occasions been guilty of supplying late night refreshment in contravention of the licence. The Premises Licence Holder had admitted this. The Police stated and the Sub-Committee agreed that this undermined the promotion of the Crime and Disorder licensing objective. A Statement from Police Constable Simon Lindley stated the premises had again supplied late night refreshment in contravention of the licence.

The Sub-Committee was concerned that the Premise Licence Holder appeared not to fully understand the licensing objectives and therefore had little confidence this premises operates so as to promote the licensing objectives. The Premises Licence Holder stated he accepted a caution over the 2 incidents of supplying late night refreshment in contravention of his licence. The Premises Licence Holder says he had not been in the premises since January due to his ill health, but his staff were told to close at 4.00 am. On 21st May 2017, the Premise Licence Holder stated he was not there but says his staff gave the food away to another staff member and his family and friends. By his own admission the premises were entered by members of the public after the premises should have been closed. This appeared to be a repeat of previous activities about which the Premises Licence Holder had previously been given a warning in the form of a Caution.

The Sub-Committee have determined that the crime prevention objective has been undermined.

CHAIR: _____

DATE: _____