

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

MONDAY, 12TH FEBRUARY, 2018

A MEETING of the LICENSING SUB-COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE on MONDAY, 12TH FEBRUARY, 2018, at 9.30 am.

PRESENT:

Chair - Councillor Ken Keegan

Councillors Steve Cox, Mark Houlbrook and Ian Pearson.

1 Declarations of interest, if any

No declarations of interest were reported at the meeting.

2 Application for a Review of an Existing Premises Licence - Baltyk Mini Market, 134 Beckett Road, Wheatley, Doncaster, DN2 4AZ

The Sub-Committee considered an application for a review of an existing premises licence in respect of Baltyk Mini Market, 134 Beckett Road, Wheatley, Doncaster, DN2 4AZ.

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 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.

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.

Greg Bristol and Karen O'Rourke, Tobacco and Alcohol Control Officers 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, video evidence relating to a witness statement from a test purchase operative, who worked on behalf of Trading Standards, was shown to all present at the meeting. In addition and with the agreement of all parties, further documentation relating test purchases were presented at the meeting.

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

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 Baltyk Mini Market, 134 Beckett Road, Wheatley, Doncaster, and had 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 and had decided to suspend the licence for a period of 8 weeks and to modify the conditions of the licence as follows:-

The Condition to install and operate a CCTV system which meets the South Yorkshire Police standards and that the recordings to be kept for 28 days and produced to the Police/Council on request, be replaced with:-

A CCTV system be installed, operated and maintained to the standard as directed by the Home Office. Such system shall be installed so as to ensure the whole premises are covered by the CCTV and that there are no blind spots in the retail areas of the premises to include the till area.

All CCTV recordings are to be kept for 31 days and produced to the Police or Council immediately on request.

Before the expiry of the two month suspension, the CCTV system must be checked by a suitably qualified person to ensure the system is operating in accordance with the above conditions.

Maintenance of the CCTV must take place annually and be carried out by a suitably qualified professional.

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

The period of suspension allows the Sub Committee to be satisfied that the CCTV would be operating in accordance with the modified conditions. The Sub-Committee believed, as had been submitted by Mr Ahmed, that at least one failed test purchase deliberately took place in a CCTV blind spot which would no longer be possible with the CCTV that covered the premises thereby ensuring the Licensing Objectives were being upheld.

The Sub-Committee noted that Mr Ahmed admitted that sales of had happened, but it was submitted and the Sub-Committee agreed that there was nothing to suggest that Mr Ahmed knew himself these sales were taking place.

Mr Ahmed admitted he was aware of the letter handed to him in July, 2017. On receipt, Mr Ahmed said he checked the CCTV, but could not find anything suspicious. He said he reminded staff about the rules. Mr Ahmed said clearly a system was in place in that the customer was placed in a CCTV blind spot and concealed even from Mr Ahmed. The money for the sale goes in the employee's pocket and Mr Ahmed said this was a side line for his now former employee.

The Sub-Committee noted the action Mr Ahmed had taken upon being notified of the failed test purchases. Mr Ahmed had dismissed the employee shown on the DVD, as evidenced by the P45, which said the leaving date was 22nd January, 2018 and he had booked himself and his other employee, onto a training course in February, 2018.

The Sub-Committee was concerned that Mr Ahmed did not know all 4 Licensing Objectives, but noted that he was attending further training.

Selling smuggled tobacco was putting legitimate businesses at risk of lost customers and trade and, given the contents of smuggled tobacco generally, did not conform to the appropriate regulations which put the purchasers at risk.

The Sub-Committee believed that the modified conditions and the period of suspension were proportional to the issues and ensured the Licensing Objectives were upheld.

3 Application for a Review of an Existing Premises Licence - Intake Mini Market, 71 Sandringham Road, Intake, Doncaster, DN2 5HY

As the Licence Holder's Legal representative who was acting on behalf of the License Holder, was not in attendance at the meeting, the Sub-Committee took advice on the procedure to be followed. Subsequently, it was considered that as it was considered to be a matter of public interest, the meeting be adjourned until 10.00 a.m. on Wednesday 14th February, 2018, to allow the Licence Holder the opportunity to prepare for the hearing and obtain legal representation.

RESOLVED that the meeting stand adjourned until 10.00 a.m. on Wednesday, 14th February, 2018.

CHAIR: _____

DATE: _____