

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

WEDNESDAY, 14TH FEBRUARY, 2018

A MEETING of the LICENSING SUB-COMMITTEE was held at the ROOM 409 IN THE CIVIC OFFICE on WEDNESDAY, 14TH FEBRUARY, 2018, at 10.00 am.

PRESENT:

Chair - Councillor Ken Keegan

Councillors Steve Cox and Ian Pearson.

APOLOGIES:

An apology for absence was received from Councillor Mark Houlbrook.

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 - Intake Mini Market, 71 Sandringham Road, Intake, Doncaster, DN2 5HY

The Sub-Committee considered an application for a review of an existing premises licence in respect of Intake Mini Market, 71 Sandringham Road, Intake, Doncaster, DN2 5HY.

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.

Prior to consideration of the application, the Premises Licence Holder confirmed that even though he had been unable to obtain a Legal representative to act on his behalf, he wished the review of the existing premises licence to proceed.

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, 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.

The Premises Licence Holder was 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 Intake Mini Market, 71 Sandringham 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 revoke the licence:

The Sub-Committee had made the decision for the following reasons.

The Sub-Committee was satisfied that following complaints received, the premises were added to a test purchase operation in the area and Mr Sofi sold a packet of cigarettes that were illicit. This was followed by an inspection where 78 packets of illicit tobacco were found on the premises.

The Sub-Committee had noted that Trading Standards had previously brought a review of the premises on the selling illicit tobacco. A notice was outside the premises and Mr Sofi himself contacted the Licensing Department to say this had happened before he owned the shop. Trading Standards said that this was clear evidence Mr Sofi was aware of the implications of selling such items. Trading standards did not pursue this review.

Mr Sofi did not dispute the facts and confirmed he was aware of the previous trade. Mr Sofi said he sells to a couple of his regular customers only, as they kept asking him to and he wanted to keep their trade. Mr Sofi said he confused the test purchaser for one of these customers and he never sold to anyone else other than these customers, but Mr Sofi stated he only sold cigarettes to 7 customers in total. Mr Sofi said he only bought the illicit cigarettes a few days before the seizure in December. Mr Sofi confirmed he bought in sleeves of 10 packets and therefore, in a few days, he had sold approximately 42 packets of illicit tobacco.

Mr Sofi, who was the Premises License Holder and Designated Premises Supervisor, did know the Licensing Objectives. He said he sold to customers because they were asking for the illicit tobacco and he did it to encourage them to buy other items. Mr Sofi did know that he should not be selling the illicit cigarettes, but given the number sold and the fact he knew of the consequences, the Sub-Committee believed that he was aware that these actions would be undermining the Licensing Objectives.

Mr Sofi said he bought the shop from a friend and had only owned it 6 months, but was aware of the hidden compartment in the shop where the cigarettes were found and of the previous issues raised by Trading Standards when he bought the shop. The Sub-Committee had noted Mr Sofi did not make any efforts to remove the hidden compartment. Mr Sofi admitted he had worked in other shops in the Borough prior to him owning the shop.

The Sub-Committee believed that Mr Sofi had failed to take this matter seriously which had meant the premises had been operating irresponsibly therefore, undermining the Licensing Objectives.

Mr Sofie said he was wrong and made a big mistake and, said he would not do it again and if he lost the licence, then he had to close the shop and whilst the Sub-Committee were mindful of the financial issues, it felt that the action it had taken was appropriate and proportionate.

CHAIR: _____

DATE: _____