



# Doncaster Council

## Agenda

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To all Members of the

## LICENSING SUB-COMMITTEE

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

**Venue:** Council Chamber, Civic Office, Floor 2, Waterdale, Doncaster

**Date:** Tuesday, 6<sup>th</sup> February, 2018

**Time:** 9.30 a.m.

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### Items for Discussion:

Item	Page No.
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.	
<b>A. Reports where the Public and Press may not be excluded.</b>	
4. Application for the Review of an Existing Premises Licence - Polskie Smaki, 57 Beckett Road, Wheatley, Doncaster, DN2 4AD.	1 - 40

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

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Issued on: 29th January, 2018

Governance Services Officer for this meeting

Amber Torrington  
Tel: 01302 737462

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

**Members of the Licensing Sub-Committee**

Chair – Councillor Ken Keegan

Vice-Chair – Councillor Linda Curran

Councillors Steve Cox and Martin Greenhalgh



## Doncaster Council

### Report

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To the Chair and Members of the

## **LICENSING SUB-COMMITTEE**

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

**Polskie Smaki, 57 Beckett Road, Wheatley, Doncaster, DN2 4AD**

### **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 Polskie Smaki, 57 Beckett Road, Wheatley, Doncaster, DN2 4AD. 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.

### **BACKGROUND**

4. The premises concerned are a grocery store which hold a premises licence authorising the sale of alcohol for consumption off the premises.
5. The application for a review of the premises licence has been brought by Doncaster Trading Standards who are a Responsible Authority under the Licensing Act 2003.
6. The application to review relates to 'the prevention of crime and disorder' licensing objective. The grounds include that illicit tobacco has been sold from the premises during two test purchase operations carried out by Trading Standards.
7. A summary of the application is attached as Appendix B to this report.

8. The application for review states that Mr Hoshmand Aminishokri has been the Premises Licence Holder and Designated Premises Supervisor since May 2015. Records held by the Licensing Authority show that although the premises have held a licence since May 2015, Mr Aminishokri became the Premises Licence Holder and Designated Premises Supervisor on 2 March 2017.
9. The application shows that the test purchases were carried out on 30 May 2017 and 1 December 2017.
10. A location plan of the premises is attached at Appendix C.
11. A copy of the application is attached at Appendix D.
12. 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.
13. A representation in support of the review has been received from South Yorkshire Police. A copy of the representation is attached at Appendix E.
14. The existing Premises Licence is reproduced at Appendix F.
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>
	All people in Doncaster benefit from a thriving and resilient economy.	It is recognised that Licensed premises are, quite often, businesses and places of

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

## **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**

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**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**

**Name of Premises: Polskie Smaki**

**Address: 57 Beckett Road, Wheatley, Doncaster, DN2 4AD**

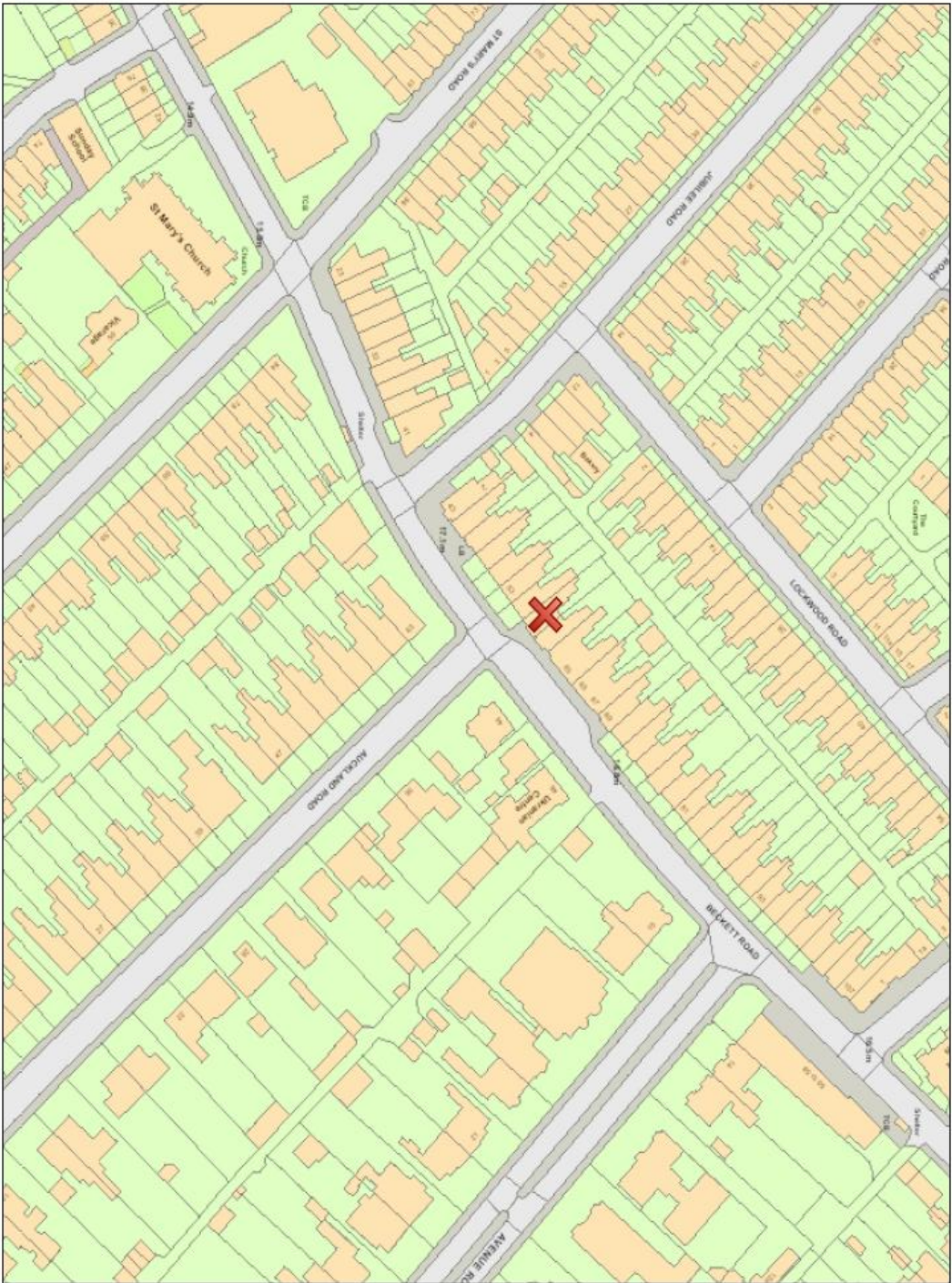
**Summary of Application:**

Licensing Objective:  
The Prevention of Crime and Disorder

The grounds for the review:  
Trading Standards carried out test purchases at the premises on the 30th May 2017 & 1st December 2017, which resulted in the sale of illicit tobacco products on both occasions.

**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 :  
 57 Beckett Road  
 Wheatley  
 Doncaster  
 DN2 4AD

Title :  
 Polskie Smaki

Completed By :  
 D Smith

Reference :  
 WK/21702/137

Date :  
 18/01/2018

Scale :  
 1:1,563

**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 Stuart Jones

*(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> POLSKIE SMAKI 57 Beckett Road Wheatley	
<b>Post town</b> DONCASTER	<b>Post code (if known)</b> DN2 4AD
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Hoshmand AMINISHOKRI	
<b>Number of premises licence or club premises certificate (if known)</b> LN/201500117	

**Part 2 - Applicant details**

I am

- |   | <b>Please tick yes</b>              |
|---|-------------------------------------|
| 1) an interested party (please complete (A) or (B) below)                           |                                     |
| a) a person living in the vicinity of the premises                                  | <input type="checkbox"/>            |
| b) a body representing persons living in the vicinity of the premises               | <input type="checkbox"/>            |
| c) a person involved in business in the vicinity of the premises                    | <input type="checkbox"/>            |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/>            |
| 2) a responsible authority (please complete (C) below)                              | <input checked="" type="checkbox"/> |

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**

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 TRADING STANDARDS SERVICE Regulation and Enforcement Doncaster Council PO Box 257 Civic Office Waterdale Doncaster DN1 3BU
Telephone number (if any) (01302) 862404
E-mail address (optional) stuart.jones@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 1)

This review is brought on the grounds of prevention of crime and disorder.

Sale of illicit tobacco is a criminal offence, under s92 of the Trade Marks Act 1994 for counterfeit tobacco products, and under Reg.15 of the Standardised Packaging of Tobacco Products Regulations 2015 for smuggled and illicit tobacco products.

Across the UK there is an issue with counterfeit and illicit tobacco sales. This is particularly prevalent in Doncaster town centre.

The trade in illicit tobacco can be defined as the production, import, export, possession or sale of tobacco products which fail to comply with legal requirements.

There are three main sources of illicit tobacco.

1 - Smuggled products - These are 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 is paid on these products.

2 - Bootlegged products, sometimes called 'Cheap Whites' - These are again legitimate products purchased in foreign countries with low levels of taxation, generally Eastern European/Russian areas, and smuggled on a small scale by individuals or lower level organised gangs. No duty is paid on these products when they are imported this way.

3 - Counterfeit products - These are illegally manufactured products, made without the consent of the trademark owner. The products are generally made from inferior quality materials and packaged to look like the original products.

Illicit tobacco products are sold for less than legitimate tobacco products, e.g. a packet of Polish Marlboro Gold retails for around £5.50 compared with around £9 for its UK equivalent. The lower cost distorts the market and undermines legitimate and compliant businesses, reducing not only sales of legitimate tobacco at these businesses but also reducing footfall. Legitimate businesses situated near to illicit tobacco sellers frequently complain that their business is suffering as a result.

The trade in illicit tobacco can be a gateway for young people to start smoking as the low cost of product makes the habit more affordable, those trading in illicit tobacco are also more likely to sell to those under 18 as they disregard the restrictions placed on legitimate traders.

The illicit trade also undermines the work done by Stop Smoking Services and health agencies to help people stop smoking.

No tax is paid on these products which means central government loses revenue. It could also be argued that use of these products places an extra strain on Health Services and associated agencies which incurs further costs to both central and local government.

The illicit trade funds organised crime and is increasingly linked to modern slavery.

Illicit products can also contravene safety legislation as the majority of product does not comply with the 'reduced ignition propensity' requirements of the safety standard introduced in 2010.

In practice this means that an illicit cigarette will continue to burn if left unattended. Compliant products will extinguish themselves and therefore pose less fire risk. Smoking causes approximately 3,000 house fires each year, a number of fires can be linked directly to illicit tobacco causing house fires.

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

Polskie Smaki has sold illicit tobacco during two of these test purchase operations.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

On 30<sup>th</sup> May 2017 a pack of Marlboro was sold for £5.00 by two women behind the counter. The cigarettes had Polish text on them and were not in plain packaging and therefore did not comply with Reg. 3 of the Standardised Packaging of Tobacco Products Regulations 2015. The sale of such items is a criminal offence under the same regulations.

On the 24<sup>th</sup> July 2017 Mr Aminishokri signed for a letter hand delivered by an officer from the Trading Standards Service. The officer discussed the failure and advised what may happen should future illicit product be purchased from the premises. The letter formally advised of the test purchase failure and also had accompanying guidance on what Tobacco Products could be sold.

Despite the guidance given, on 1st December 2017, Hoshmand Aminishokri sold a pack of 'Richmond' Cigarettes for £3.50 These cigarettes were not in plain packaging and therefore did not comply with Reg. 3 of the Standardised Packaging of Tobacco Products Regulations 2015. The sale of such items is a criminal offence under Reg. 15 of the same regulations.

Richmond is a brand that has significant history of being produced illegally without the consent of the trademark owner, given the price of this product it is reasonable to assume that these are a counterfeit product.

The premises has a gantry stocked with genuine tobacco products. The fact that the products sold were not off the main tobacco gantry is another indicator that the staff knew that the stock was illicit and could not legally be sold.

The price is also indicative that there has been no UK duty paid on these products - the minimum excise duty on one pack of 20 cigarettes should be £5.37 as of 20 May 2017 ([www.gov.uk/government/publications/rates-and-allowances-excise-duty-tobacco-duty/excise-duty-tobacco-duty-rates](http://www.gov.uk/government/publications/rates-and-allowances-excise-duty-tobacco-duty/excise-duty-tobacco-duty-rates)).

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 certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of licensed 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.

Hoshmand Aminishokri has been the Licence Holder for the premises and the Designated Premises Supervisor since May 2015. It appears that he has no regard for his legal responsibilities as both a business owner and a premises licence holder.

Mr Aminishokri trades to make illegal profit at a cost to the government and the local economy. Such actions are detrimental to legitimate traders who lose trade as a result of his ongoing criminality.

**Please tick yes**

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

If yes please state the date of that application

Day Month Year

±											±
---	--	--	--	--	--	--	--	--	--	--	---

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

**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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 19<sup>th</sup> December 2017

Capacity Senior Trading Standards Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Stuart Jones  
Trading Standards Service  
Regulation and Enforcement  
PO Box 257  
Civic Office  
Waterdale

**Post town**

Doncaster

**Post Code**

DN1 3BU

**Telephone number (if any)** (01302) 862404

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** stuart.jones@doncaster.gov.uk

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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

RE- Sale of Illicit Tobacco

Polskie Smaki  
57 Beckett Road ,  
Wheatley  
Doncaster  
DN2 4AD

On the 30<sup>th</sup> May, two packets of tobacco was purchased from two Women working at the premise, the tobacco had incorrect packaging and did not comply with Reg. 3 of the Standardised Packaging of Tobacco products regulations 2015. Following on from this, the premise was served with a warning letter advising that the premise would be reviewed if any further illegal products were found. Despite the advice, the premise again sold incorrectly packaged tobacco on 1<sup>st</sup> December.

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

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Mosmand Aminishoku  
[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/201500117  
**Your Ref:**

Dear Licence holder,


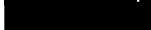
**Premises Licence - LN/201500117 - Licensing Act 2003**  
**Polskie Smaki, 57A Beckett Road, Wheatley, Doncaster, DN2 4AD**

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>14th May 2015</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.

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.**

LICENSING ACT 2003  
Section 24

**Premises Licence**

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

**Premises licence number**

LN/201500117

**Part 1 – Premises details**

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

Polskie Smaki  
57A Beckett Road  
Wheatley  
Doncaster  
DN2 4AD

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 Plan)	Whole of Premises
Mon	<b>09:00 - 22:00</b>	<b>08:00 - 22:00</b>
Tues	<b>09:00 - 22:00</b>	<b>08:00 - 22:00</b>
Wed	<b>09:00 - 22:00</b>	<b>08:00 - 22:00</b>
Thur	<b>09:00 - 23:00</b>	<b>08:00 - 23:00</b>
Fri	<b>09:00 - 00:00</b>	<b>08:00 - 00:00</b>
Sat	<b>09:00 - 00:00</b>	<b>08:00 - 00:00</b>
Sun	<b>09:00 - 22:00</b>	<b>08:00 - 22:00</b>

*Non-Standard Timings:*

**N/A**

*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.**

**Part 2**


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

<b>Mosmand Aminishoku</b> <b>17A Copley Road</b> <b>Doncaster</b> <b>DN1 2PE</b>	<b>Telephone Number:</b> <b>Email:</b>
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*Registered number of holder, for example company number, charity number (where applicable)*

<b>Registered Number:</b>
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*Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:*

<b>Hoshmand Aminishokri</b> 	<b>Telephone Number:</b>
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*Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale of alcohol:*

<b>Doncaster Council LN/201601281</b>
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*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*

A CCTV system to be installed, maintained and in use at all times whilst the premises are open, ensuring that all points of entry/exit and sales of alcohol are covered by the CCTV cameras.

The CCTV images will be stored for 28 days and police and authorised officers of the council will be given access to images for purposes in connection with the prevention and detection of crime and disorder.

Members of the management team will be trained in the use of the system.

Training records shall be kept of all staff employed and concerned with the sale and supply of alcohol and open to inspection by Responsible Authorities.

"One Can ban" - No singular can/bottle containing alcoholic drinks to be sold, (Beer, Lager & Cider) a minimum of four to be sold.

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

A Challenge 25 scheme will operate at all times when the premises are open, including a refusals log, signage and the maintenance of staff training records.

*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/201500117

**Premises details**

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

Polskie Smaki  
57A Beckett Road  
Wheatley  
Doncaster  
DN2 4AD

Telephone number:

Where the licence is time limited – the dates:

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Sale of Alcohol (Off only)  
Opening Hours

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Sun	09:00 - 22:00	08:00 - 22:00

*Non-Standard Timings:*

**N/A**

*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:*

**Mosmand Aminishoku  
17A Copley Road  
Doncaster  
DN1 2PE**

*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:*

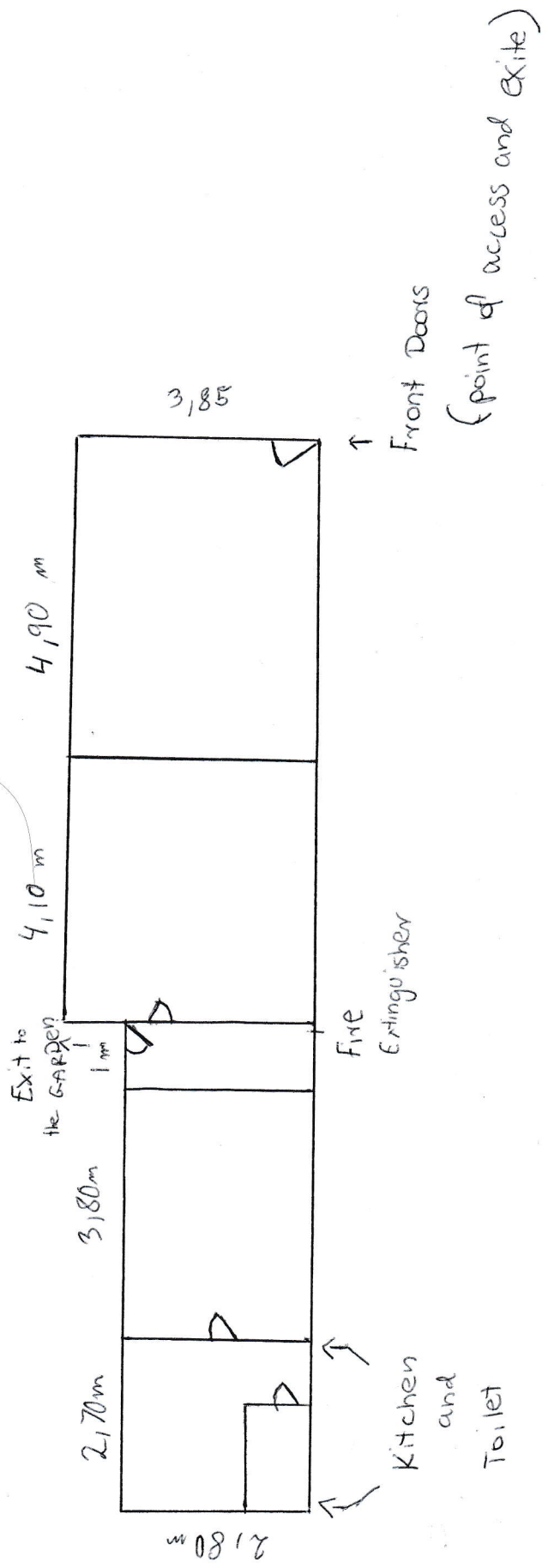
**Hoshmand Aminishokri**

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

**N/A**

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