

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

THURSDAY, 8TH FEBRUARY, 2018

A MEETING of the LICENSING SUB-COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on THURSDAY, 8TH FEBRUARY, 2018, at 2.00 pm.

PRESENT:

Chair - Councillor Linda Curran

Councillors Steve Cox, John Gilliver and Martin Greenhalgh.

1 DECLARATIONS OF INTEREST, IF ANY.

No declarations were reported at the meeting.

2 APPLICATION FOR THE REVIEW OF AN EXISTING PREMISES LICENCE - POLSKIE SMAKI, 57 BECKETT ROAD, WHEATLEY, DONCASTER, DN2 4AD.

The Sub-Committee considered an application for a review of an existing premises licence in respect of Polskie Smaki, 57 Beckett Road, Wheatley, Doncaster DN2 4AD.

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 application for 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.

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 purchase was 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 Polskie Smaki, 57 Beckett Road, Wheatley, Doncaster and having 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, RESOLVED to Revoke the licence.

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

The Sub-Committee noted that there had been a failed test purchase on the 11th May, 2017, followed with a warning letter issued by Trading Standards. The Premises Licence Holder said that after receiving the warning he dismissed one member of staff but the other staff member was still employed and working with him. To make sure the Premise Licence Holder heeded the warning a further test purchase was undertaken which was captured on film. The Premises Licence Holder said it was him in the film. The Premises Licence Holder said he only had 5 or 6 small boxes of cigarettes and wasn't going to sell them.

The Sub-Committee noted that the selling of smuggled tobacco was putting legitimate businesses at risk of lost customers and trade and given the contents of smuggled tobacco did not conform to the appropriate regulations this could potentially expose the purchasers to risk.

The Sub-Committee were concerned that the Premises Licence Holder who was also the Designated Premises Supervisor was not able to confirm the 4 Licensing Objectives. The Sub-Committee were concerned that if the Premises Licence Holder was not sure of the licensing objectives then how could he be operating the licence in accordance with the licencing objectives. The Sub-Committee therefore have no confidence that the premises was operating so as to promote the licensing objectives.

In the relation to CCTV at the premises, the Premises Licence Holder said he had CCTV. The previous system which was stolen was of very good quality but with regard to the new system he had not had time to check it, so was not sure if it worked or how it worked.

The Sub-Committee believed that smuggled tobacco had been sold from the premises and therefore believed that the premises had been trading irresponsibly.

CHAIR: _____

DATE: _____