

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

MONDAY, 18TH JUNE, 2018

A MEETING of the LICENSING SUB-COMMITTEE was held in the COUNCIL CHAMBER - CIVIC OFFICE on MONDAY, 18TH JUNE, 2018, at 9.30 am.

PRESENT:

Chair - Councillor Ken Keegan

Councillors Duncan Anderson, Steve Cox and John Gilliver.

1 Declarations of interest, if any

There were no declarations of interest made at the meeting.

2 Minutes of the Meeting held on 14th May, 2018

RESOLVED that the minutes of the Licensing Sub-Committee meeting held on 14th May, 2018 be approved as a correct record and signed by the Chair.

3 Application for a new Premises Licence - Intake Booze, 71 Sandringham Road, Intake, Doncaster, DN2 5HY

The Sub-Committee considered an application for a new premises licence in respect of Intake Booze, 71 Sandringham Road, Intake, Doncaster, DN2 5HY. The procedure for considering the application was set out in Appendix A.

The Sub-Committee Members, the Applicant, the Applicant's representative and Responsible Authorities had received the agenda prior to the meeting.

Subsequent to the dispatch of the agenda papers, additional information from Trading Standards was circulated to Members of the Sub-Committee, the Applicant and the representative acting on behalf of the Applicant, prior to the commencement of the hearing.

At the commencement of the hearing, the Chair made introductions and outlined the procedure to be followed.

David Smith, the Licensing Officer, introduced the report and outlined the salient points.

It was pointed out that South Yorkshire Police had proposed 3 additional Conditions which the Applicant had agreed to.

The Applicant, Mr Ismayil Ali, and a representative acting on behalf of the Applicant, Mr Steve Butler, 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.

RESOLVED that the Licensing Sub-Committee having considered the application for a new Premises Licence for Intake Booze, 71 Sandringham Road, Intake, Doncaster, DN2 5HY, and having taken into account the written representations made and the evidence presented at the meeting, the steps that were appropriate to promote the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy, decided to grant the Licence in the terms set out in Appendix B, subject to the following:-

1. the Conditions put forward by South Yorkshire Police set out at Appendix F; and
2. that the CCTV in the premises shall ensure that the whole of the premises were covered.

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

The applicant submitted that this was a new Premises Licence, but he was aware of existing problems of the selling of illicit cigarettes. Mr Ali would only buy the shop if he obtained the Licence and wanted to run the premises in accordance with the Licensing Objectives and the Sub-Committee accepted this assertion based on his history of running businesses in a responsible and legal manner. The Sub-Committee noted that the reason Mr Sofi was still in the premises because he was the current owner. It had been submitted by Mr Ali and the Sub-Committee believed that Mr Sofi would no longer be involved in the business. Trading Standards said the only link they had to say that Mr Sofi would still be involved in the premises was Mr Sofi's comments and Trading Standards said that this was relevant.

Mr Ali was to be the Designated Premises Supervisor (DPS), but would train staff, including in the sale of illicit tobacco, as he would not be there all the time as he had other businesses and made it clear that Mr Sofi would not be involved in the business, despite what Mr Sofi had said to Trading Standards.

Trading Standards said that there was a history of selling illicit tobacco. Since it opened in 2015, there had been prosecutions or other issues with all the previous owners including Mr Sofi where the Licence was revoked. Trading Standards recently visited the shop and Mr Sofi was working there, and Mr Sofi said he would assist the new owner in the shop due to the new owners lack of experience. The concern from Trading Standards was that that Licence was revoked and it would be in Mr Ali's name, but Mr Sofi would still be there and Trading Standards said they did not have complete confidence that illicit sales would not be made. However, Trading Standards also were specifically not suggesting Mr Ali engaged in illegal sales, but there was nothing in the operating schedule that addressed illicit sales and would have expected some mention given the history. Trading Standards said that certain requirements such as Business Rates and the Food Business Registration were still in the name of Mr Sofi which led them to believe that Mr Sofi would be involved. Trading Standards had also spoken to an employee recently employed by Mr Sofi, which further made them believe he would be involved in the premises. The concern was that Mr Ali would be the DPS and Mr Sofi would still be in the premises selling illicit tobacco.

The Sub-Committee accepted that Mr Ali was not yet the business owner which explained why Mr Sofi was still involved with the premises. The Sub-Committee also accepted that as soon as Mr Ali had purchased the business, then Mr Sofi would not be involved in the operation of the Licence. The Sub-Committee had no concerns with Mr Ali as a Premise Licence Holder and therefore believed that, as the Licence Holder, he would seek to promote the Licensing Objectives.

CHAIR:\_\_\_\_\_

DATE:\_\_\_\_\_