

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

FRIDAY, 16TH NOVEMBER, 2018

A MEETING of the LICENSING SUB-COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on FRIDAY, 16TH NOVEMBER, 2018, at 9.30 am.

PRESENT:

Chair - Councillor Ken Keegan

Councillors Bev Chapman, John Gilliver and Martin Greenhalgh

- 1 To consider the extent, if any, to which the public and press are to be excluded from the meeting.

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) any discussions relating to the exempt appendices would be held in private session.

- 2 Declarations of interest, if any.

There were no declarations made at the meeting.

- 3 Minutes of the meeting held on 24th September, 2018

RESOLVED that the minutes of the meeting of the Licensing Sub Committee held on Monday, 24th September, 2018 be approved as a correct record and signed by the Chair.

- 4 Application for a review of an existing premises licence for Intake Booze, 71 Sandringham Road, Intake, Doncaster DN2 5HY.

As the Licence Holder was not in attendance at the outset of the meeting, the Committee decided to adjourn the proceedings at 9.45 am for a period of 15minutes to reconvene at 10.00 am, to allow telephone contact to be made with the Licence Holder to allow him the opportunity to attend the hearing.

- 5 Adjournment of Meeting

RESOLVED that the meeting stand adjourned from 9.45 until 10.0am in order to allow Licensing Officers to contact the licence holder and ascertain if it was their wish to attend the hearing.

- 6 Reconvening of Meeting

The meeting reconvened at 10.00 am.

7 Application for a Review of Existing Premises Licence

The Sub-Committee considered an application for a review of an existing premises licence for Intake Booze, 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' and 'Public Safety' Licensing objectives. A summary of the application was attached as Appendix B to the report.

The Sub-Committee noted that the Premises Licence Holder was not in the attendance at the meeting despite having had adequate notification of the hearing in the form of the initial application to review the licence, a notification outside the shop of the review, and the agenda papers. Furthermore, a phone call was also made at the meeting in order to try and determine the Premises Licence Holder's whereabouts. The Licence Holder indicated that he would not attend the meeting on this day and acknowledged he was aware of the issues surrounding the application for a review. The Committee were advised of all the options open to them, and decided that it was in the public interest to allow the hearing to go ahead as the individuals concerned had been given ample opportunity and notice to attend and the process had been clear and transparent throughout.

Representations from the Licensing Authority and South Yorkshire Police in support of the review were attached at Appendix E to the report.

The Sub-Committee Members, the Premises Licence Holder and the Responsible Authorities had 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.

Representatives from the Trading Standards Authority and the Licensing Authority addressed the Committee 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 Sub Committee considered the application for a Review of the Premises Licence for Intake Booze, 71 Sandringham Road, Intake, Doncaster and took into account the written representations made and the evidence presented, the steps that were appropriate to promote the Licensing Objectives, the Home Office Guidance and the Statement of Licensing Policy and decided to revoke the licence.

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

The Premises Licence holder (PLH) was not in attendance and when contacted did not offer any assurance that the licence was being, or would be operated, in accordance with the licensing objectives.

A test purchase was made on 10th September 2018 and Trading Standards say the cigarettes sold do not comply with relevant regulations and neither has appropriate duty been paid. Trading Standards say that makes them smuggled tobacco.

The committee were shown a DVD of footage which Trading Standards say shows a person in the shop selling the smuggled tobacco and the committee were satisfied that this person was Shuan Sofi.

A search of the premises was made on 14th September 2018. The Premises Licence Holder was not present. No tobacco was found. The Premises Licence Holder was called and told that a failed test purchase had been made.

Trading Standards say Mr Shuan Sofi was interviewed about the failed test purchase and that he said he sold the business to the current Premises Licence Holder in June 2018 and a week after the PLH asked him to help out in the shop. The committee have noted the assurances that were given on the granting of the licence whereby Mr Sofi would not be involved in the business.

Trading Standards say after the Premises licence was granted the premises were visited on 26th June 2018 and it was noted that high strength beers were being sold in breach of the licence. The premises Licence Holder was not in the shop but was called and it was explained that the sale of high strength alcohol was in breach of the licence. All the high strength alcohol was removed from the premises.

The committee have heard that the PLH has had some personal difficulties which have resulted in him being unable to be in the premises but the PLH did allow Mr Sofi to work in the business. The Committee note that the PLH is responsible for the running of the business. Trading Standards believe that the PLH had no knowledge of the sale of smuggled tobacco but has allowed Mr Sofi to be in the premises.

The Licensing Authority submit to the Committee that the PLH is responsible for the licence and not only has there been smuggled tobacco sales but also, in breach of the licence the CCTV was not working, high strength alcohol was being sold, a summary of the licence was not displayed, the premises licence was not available, there were no challenge posters on display. This was noted by the Licensing Authority on 2 occasions. On a third visit most of these issues had been resolved but the CCTV was still not working. This means the Committee are not satisfied the CCTV covers the premises. The Committee were asked to note that the storage of smuggled tobacco is a criminal offence.

It was submitted to the Sub Committee and it is accepted the PLH is responsible for the licence and further is well aware of his responsibilities in relation to his license. The PLH has chosen to allow Mr Sofi to work in the premises and has allowed breaches of the licence conditions to occur. The Sub Committee therefore accepts that the licence is not being operated in

accordance with the conditions of the licence and therefore have no confidence that the premises is operating so as to promote the licensing objectives.

CHAIR: _____

DATE: _____