



## Agenda

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To all Members of the

# LICENSING SUB-COMMITTEE

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

**Venue:** Council Chamber - Civic Office

**Date:** Friday, 16th November, 2018

**Time:** 9.30 am

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### Items for Discussion:

| <b>Item</b>  | <b>PageNo.</b> |
|--|----------------|
| 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.   |                |
| 4. Minutes of the meeting held on 24th September, 2018   | 1 - 4          |

### **A. Reports where the Public and Press may not be excluded.**

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

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Issued on: Thursday, 8 November, 2018

Governance Services Officer for this meeting

Sarah Maxfield  
Tel: 01308 736723

**Doncaster Metropolitan Borough Council**  
**[www.doncaster.gov.uk](http://www.doncaster.gov.uk)**

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

**(This agenda contains exempt appendices which are NOT FOR PUBLICATION under Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) (information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime).**

#### **Members of the Licensing Sub-Committee**

Chair – Councillor Ken Keegan

Councillors Bev Chapman, John Gilliver, Martin Greenhalgh

# Public Document Pack Agenda Item 4

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### LICENSING SUB-COMMITTEE

MONDAY, 24TH SEPTEMBER, 2018

A MEETING of the LICENSING SUB-COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE on MONDAY, 24TH SEPTEMBER, 2018, at 9.30 am.

#### PRESENT:

Chair - Councillor Ken Keegan

Councillors Duncan Anderson, Steve Cox and Martin Greenhalgh

#### 1 DECLARATIONS OF INTEREST, IF ANY

There were no declarations of interest made at the meeting.

#### 2 MINUTES OF THE MEETING HELD ON 2ND AUGUST, 2018

RESOLVED that the minutes of the meeting held on 2nd August, 2018, be approved as a correct record and signed by the Chair.

#### 3 APPLICATION FOR A PREMISES LICENCE - LONDIS, 18 MERE LANE, ARMTHORPE, DONCASTER

The Sub-Committee considered an application for a new premises licence for 'Londis', 18 Mere Lane, Armthorpe, Doncaster, DN3 2DB.

The application originally sought to permit the sale of alcohol from 06:00 to 23:00 hours, 7 days a week. To prevent a representation from South Yorkshire Police, the applicant agreed to reduce the hours during which alcohol sales would be permitted from 9:00 to 23:00 hours, 7 days a week and to place additional conditions on the licence should it be granted.

A summary of the application including the amendments agreed with South Yorkshire Police, were attached to the report at Appendix B.

Representations regarding the application had been received from neighbouring residents; copies of which were attached to the report at Appendix E.

A copy of the application had been sent to each of the Responsible Authorities. Details of the application had been published on the Council's website.

The Sub-Committee Members, the Applicant, Ms. Sarlaben Jina and her Agent, Mr Anil Bhawsar, Responsible Authorities and neighbouring residents who had made written representations had received the agenda prior to the meeting.

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

Mr Mulu M. Jina, a member of the Applicant's family, and Mr Anil Bhawsar, the Agent acting on behalf of the Applicant, made representations and answered questions.

## ADJOURNMENT OF MEETING

In accordance with Council Procedure Rule 17(I), the Chair adjourned the meeting at 10:05 am. All parties were then asked to leave the room whilst the Sub-Committee deliberated on the application and reached a decision.

## RECONVENED MEETING

During Members' consideration of the application, in accordance with Section 5(c) of the Licensing Act 2003, Hearing Procedure, the meeting reconvened at 10:15 am. In order to assist the Sub-Committee in its deliberations, further information was sought from Mr. Mulu M. Jina and Mr. Paul Williams, the Licensing Manager, to which they gave responses.

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 'Londis', 18 Mere Lane, Armthorpe, 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, decided to grant the licence in the terms as set out in Appendix B to the report, subject to the following conditions:-

1. Minimum of 3 staff working the shop at all times the premises is open
2. All alcohol in the store to be covered during the periods it is not licenced to be sold
3. Security shutters to be fitted to the door and windows of the premises and for them to be used when the premises is closed.
4. That the condition regard training be amended to include training on the licensing objectives and their relevance to operating a premises licence

The Applicant is a family with 25 years of retail experience. The family have had 4 shops in Nottinghamshire and have sold up and moved to Doncaster. Regarding the neighbours the agent for the applicant states it is important to the Applicant they are a responsible retailer and they are to be a neighbourhood store and it is normal to have alcohol sales as part of the store. The alcohol section of the store is small. The agent for the Applicant says all the conditions the police wanted were part of their operating schedule save for the alcohol percentage and the one can ban. The agent for the applicant says they are happy to comply with all the police conditions. It was put by the agent for the Applicant they are used to selling in a city centre so is aware of the issues for such a store.

The Premises will be placing notices on walls and windows to deter ASB and will be placing bins outside. It is put by the Applicant it is not in their interest to have litter outside.

Regarding children without ID there will be no sale and the refusal will be put in the refusals book. The Premises will be using CCTV which they say will act as a deterrent. CCTV is inside and outside the premises. Posters will be put up and leaflets to be on the counter about sales to underage.

The Committee were concerned there is a potential of accumulation of people outside the premises including children that may cause ASB. Those acting for the applicant say the applicant has previously used posters to prevent such occurrences which he says have been effective. Those acting for the applicant say she will speak to those outside the store to make sure there are no issues. Those acting for the applicant say if there are issues they will call the police and there will be a panic button under the counter. Those acting for the applicant say they want a neighbourhood store and wants to make sure that outside will be fine. The committee believes that the use of CCTV outside will act a deterrent or alternatively will allow any activities to be monitored.

The Committee were concerned about overnight security. It was put by those acting for the applicant there is 24 hours security with an alarm system connected to the Police station. The committee agrees that security is important and have imposed a condition to ensure the use of shutters.

The Committee were concerned that a member of the family who will be working in the store had a limited understanding of the licensing objectives. The committee believes that the conditions they have imposed will ensure all staff working will now understand the licensing objectives and their relevance to the operating of a premises selling alcohol.

The Committee have noted there will be a period of time when the store is open but alcohol will not be for sale. During this period the alcohol will be covered to ensure compliance with this requirement.

Those acting for the applicant say there will be 3 members of staff in the morning and 4 in the evening working in the premises. So there is a minimum of 3 staff on the premises at any one time. The committee believes this is an important condition to prevent and deter crime a disorder both inside and outside the premises.

The Committee believes that the Application together with the conditions we have imposed ensures the licensing objectives are promoted.

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

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

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## Doncaster Council

### Report

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To the Chair and Members of the

## **LICENSING SUB-COMMITTEE**

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

**Intake Booze, 71 Sandringham Road, Intake, Doncaster, DN2 5HY**

### **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 Intake Booze, 71 Sandringham Road, Intake, Doncaster, DN2 5HY. 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.

### **EXEMPT REPORT**

4. Appendix G is NOT FOR PUBLICATION because it contains exempt information within paragraphs 2 and 7 of Schedule 12A of the Local Government Act 1972, as amended.

### **BACKGROUND**

5. The premises concerned were granted a Premises Licence by the Licensing Sub-Committee on 18 June 2018. The licence permits the sale of alcohol for consumption off the premises 08.00 – 23.00, 7 days a week.
6. The application for a review of the premises licence has been applied for by Doncaster Trading Standards, a Responsible Authority under the Licensing

Act 2003, and relates to ‘the prevention of crime and disorder’ and ‘public safety’ licensing objectives.

7. A summary of the application is attached as Appendix B to this report.
8. A location plan of the premises is attached at Appendix C.
9. A copy of the application is attached at Appendix D.
10. 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.
11. Representations in support of the review have been received from South Yorkshire Police and the Licensing Authority, both of which are Responsible Authorities under the Licensing Act 2003. Copies of the representations are attached at Appendix E.
12. The premises licence, which shows the permitted licensable activities and conditions, is reproduced at Appendix F.
13. The applicant has indicated that a copy of the application for review was sent to the Premises Licence Holder and Responsible Authorities.

#### **OPTIONS CONSIDERED**

14. 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.
15. 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**

16.

|  | <b>Outcomes</b>  | <b>Implications</b>  |
|--|--|--|
|  | <b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and | It is recognised that licensed premises are, quite often, businesses and places of employment.<br>The Licensing Committee/Sub- |



|  |   |   |
|--|---|---|
|  | <p>prosperous future;</p> <ul style="list-style-type: none"> <li>• Better access to good fulfilling work</li> <li>• Doncaster businesses are supported to flourish</li> <li>• Inward Investment</li> </ul>  | <p>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 outcome 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><b>Doncaster Living:</b> Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> <li>• The town centres are the beating heart of Doncaster</li> <li>• More people can live in a good quality, affordable home</li> <li>• Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>• Everyone takes responsibility for keeping Doncaster Clean</li> <li>• Building on our cultural, artistic and sporting heritage</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 outcome when making licensing decisions.</p>   |
|  | <p><b>Doncaster Learning:</b> Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> <li>• Every child has life-changing learning experiences within and beyond school</li> <li>• Many more great teachers work in Doncaster Schools that are good or better</li> </ul> <p>Learning in Doncaster prepares young people for the world of work</p>  | <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 outcome when making licensing decisions.</p>   |
|  | <p><b>Doncaster Caring:</b> Our vision is for a borough that cares together for its most vulnerable residents;</p>  | <p>The Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's</p>  |

|  |  |   |
|--|--|---|
|  | <ul style="list-style-type: none"> <li>• Children have the best start in life</li> <li>• Vulnerable families and individuals have support from someone they trust</li> <li>• Older people can live well and independently in their own homes</li> </ul>  | <p>Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives (see above), will have regard to this outcome when making licensing decisions.</p>   |
|  | <p><b>Connected Council:</b></p> <ul style="list-style-type: none"> <li>• A modern, efficient and flexible workforce</li> <li>• Modern, accessible customer interactions</li> <li>• Operating within our resources and delivering value for money</li> <li>• A co-ordinated, whole person, whole life focus on the needs and aspirations of residents</li> <li>• Building community resilience and self-reliance by connecting community assets and strengths</li> <li>• Working with our partners and residents to provide effective leadership and governance</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 outcome when making licensing decisions.</p> |

## RISKS AND ASSUMPTIONS

17. There are no risks or assumptions other than those referred to in the Legal Implications below.

## LEGAL IMPLICATIONS [Officer Initials HW Date 30/10/18]

18. 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 (Prevent crime and disorder, Prevent public nuisance, Public safety, Protection of children from harm), 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 [Officer R Taylor - Standard Implications Agreed 2/3/18]**

19. The costs associated with applications of this nature and their determinations are met from fees paid to the Council by applicants for Authorisations/Licences under the Licensing Act 2003 and there are no further financial considerations.

**HUMAN RESOURCES IMPLICATIONS [Officer D Knapp - Standard Implications Agreed 14/2/2018]**

20. There are no human resource implications to this type of report.

**TECHNOLOGY IMPLICATIONS [Officer P Ward – Standard Implications Agreed 19/2/18]**

21. There are no specific technology implications in regards to this type of report. The Northgate M3 system is used to process the application and record the outcome of the decision.

**HEALTH IMPLICATIONS [Officer R Suckling – Standard Implications Agreed 12/2/2018]**

22. The Director of Public Health must be fully notified of applications and is entitled to make representations to the licensing authority in relation to the application for to the grant, variation or review of a premises licence. These representation must still be considered 'relevant' and relate to one or more of the licensing objectives.
23. Such representations can potentially be made on the grounds of all four licensing objectives. Perhaps the most obvious example is where drunkenness leads to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information will often be relevant to the public safety and crime and disorder objectives.
24. There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological wellbeing. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform representations about child protection matters. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol- related illnesses or injuries) this evidence should be

considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

### **EQUALITY IMPLICATIONS [DDS 25/10/2018]**

25. 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**

26. 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**

27. Doncaster Council's Statement of Licensing Policy 2016
28. 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**

## APPENDIX A

### DONCASTER METROPOLITAN BOROUGH COUNCIL

#### LICENSING ACT 2003 – Hearing Procedure LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

##### 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>“responsible authorities”</i>                                       | - the public or other bodies described in the Act as “responsible authorities” and who have made representations  |
| <i>“party”</i>   | - means person(s) to whom notice of hearing is to be given (including their representatives) and “party” and “parties” shall be construed accordingly     |

## **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.
- (e) The Authority has the power to consider adjournments and an extension of time limits provided for within the Regulations on the basis it is in the public interest to do so. When a request for an adjournment or an extension of time is received the request is referred to the Chair for agreement provided the request can be accommodated in the statutory time frame. If this is not possible the matter shall be determined by the Committee at the prelisted hearing.

## **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 any information 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 the presence of the note taker and legal adviser only, 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. The function of the legal adviser shall be to advise the Committee on points of law and procedure only.
- (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. All persons required to vacate the room during the deliberations shall be required to take all their personal belongings out of the room except as may be directed by the Committee.
- (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 any appeal or judicial review).

**Name of Applicant: Doncaster Trading Standards Responsible Authority**

**Name of Premises: Intake Booze**

**Address: 71 Sandringham Road, Intake, Doncaster, DN2 5HY**

**Summary of Application:**

For full details please see copy of application at Appendix D.

This application to review relates to the following licensing objectives

- The prevention of crime and disorder
- Public safety

In February 2018 the premises licence for Intake Booze was revoked due to the sale and storage of illicit tobacco products on the premises.

Illicit tobacco products are often not subject to the production controls of legitimate tobacco products and have been implicated in house fires.

Upon application for a New Premises Licence by Ismayil Ali, Trading Standards objected on the grounds that the previous licence holder had continued involvement in the business. At the hearing, Ismayil Ali informed the sub-committee that if the application was granted, the previous premises licence holder will not be involved in the operation of the licence.

Following the grant of a New Premises Licence to Ismayil Ali in June 2018, the Council received a complaint regarding the sale of illicit tobacco products at the premises.

A test purchase operation was carried out and illicit tobacco products were purchased on the premises. The test purchase was recorded on video and the seller of the products is identified as the previous licence holder who was working in the premises.

High strength Lager (7% ABV) and Cider (7.5% ABV) was seen to be on sale at the premises in contravention to a condition on the licence which states that '*no beers, lager or cider above 6.5% ABV to be sold at these premises*'.



**Key :**  
 Premises Location



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|---|
| <b>Notes :</b><br>71 Sandringham Road<br>Intake<br>Doncaster<br>DN2 5HY |
| <b>Title :</b><br>Intake Booze  |
| <b>Completed By :</b><br>D Smith  |
| <b>Reference :</b><br>WK/218019249                                      |
| <b>Date :</b><br>25 October 2018  |
| <b>Scale :</b><br>1:1,563   |

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*[Insert name and address of relevant licensing authority and its reference number (optional)]*

**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 Greg Bristol**

*(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><br>Intake Booze<br>Unit 4, 71 Sandringham Road<br>Intake |                                     |
| <b>Post town</b> Doncaster   | <b>Post code (if known)</b> DN2 5HY |

|  |
|--|
| <b>Name of premises licence holder or club holding club premises certificate (if known)</b><br>Ismayil Ali |
|--|

|   |
|---|
| <b>Number of premises licence or club premises certificate (if known)</b><br>LN/201800243 |
|---|

**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 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 ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

|                      |                      |
|----------------------|----------------------|
| <b>Surname</b>       | <b>First names</b>   |
| <input type="text"/> | <input type="text"/> |

I am 18 years old or over

Please tick ✓ yes

|  |                      |
|--|----------------------|
| <b>Current postal address if different from premises address</b> | <input type="text"/> |
|--|----------------------|

|                  |                      |                  |                      |
|------------------|----------------------|------------------|----------------------|
| <b>Post town</b> | <input type="text"/> | <b>Post Code</b> | <input type="text"/> |
|------------------|----------------------|------------------|----------------------|

|   |                      |
|---|----------------------|
| <b>Daytime contact telephone number</b> | <input type="text"/> |
|---|----------------------|

|                                  |                      |
|----------------------------------|----------------------|
| <b>E-mail address (optional)</b> | <input type="text"/> |
|----------------------------------|----------------------|

**(B) DETAILS OF OTHER APPLICANT**

|                                  |
|----------------------------------|
| <b>Name and address</b>          |
| <input type="text"/>             |
| <b>Telephone number (if any)</b> |
| <input type="text"/>             |
| <b>E-mail address (optional)</b> |
| <input type="text"/>             |



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

|   |
|---|
| Name and address<br>Greg Bristol<br>Trading Standards Service<br>Doncaster Council<br>Civic Office<br>Waterdale<br>Doncaster<br>DN1 3BU |
| Telephone number (if any)<br><b>01302 737534</b>  |
| E-mail address (optional)<br>Greg.Bristol@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 | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 2)

This review is made on the grounds of Prevention of Crime and Disorder and of Public Safety.

Following grant of the Premises Licence to Ismayil Ali on 19 June 2018 the Council had received a complaint regarding sale of illicit tobacco products. A test purchase was attempted and illicit tobacco products were purchased.

Illicit tobacco products are often not subject to the production controls of legitimate tobacco products and have been implicated in house fires.

Sale of illicit tobacco products is a criminal offence.

High strength lager and cider (more than 6.4% abv) was on sale shortly after the licence was granted, in breach of the licence conditions.

**Please provide as much information as possible to support the application** (please read guidance note 3)

In February 2018 the Premises Licence for Intake Booze, was revoked following a test purchase and subsequent seizure of illicit tobacco products.

Upon application for a new Premises Licence by Ismayil Ali the Trading Standards Service objected on the grounds the previous licence holder had continued involvement in the premises. At a hearing of the licensing sub-committee Ismayil Ali made it clear that previous licence holder would not be involved in the business. The determination by the Licensing Sub-Committee states “the committee also accepts that as soon as Mr Ali has purchased the business then [the previous licence holder] will not be involved in the operation of the licence.”

A Premises Licence was granted to Ismayil Ali on 19 June 2018.

On 26 June 2018 I visited the premises and noted that Debowie lager at 7% abv and Frosty Jack cider at 7.5% abv were on display for sale, and that Okocim lager at 6.5% abv was stored behind the counter. A condition on the Premises Licence states “No Beers, Lager or Cider above 6.5% ABV to be sold at these premises.”

On 30 July 2018 a complaint was received that illicit tobacco products were being sold from the premises.

On 10 September 2018 a test purchase was attempted. Two packets of Rothmans Demi 20s cigarettes were sold to the purchaser for £4 each. The packaging did not comply with the Regulations and had not been subject to UK duty. They were in fact smuggled.

The test purchase was recorded on video. The seller of the products is identified as the previous licence holder who was working in the premises.

Intake Booze, in various guises, has been open since 2015. In that time the Trading Standards Service has prosecuted all three business owners for sale of illicit tobacco products. The premises continue to be used as a front for illicit tobacco sales.

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

Please tick ✓ yes

If yes please state the date of that application

| Day | Month | Year |
|-----|-------|------|
| 24  | 05    | 2018 |

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

A representation was made on 24 May 2018 at the time when Ismayil Ali applied for a new Premises Licence for Intake Booze.

The previous Premises Licence holder was being prosecuted for sale of illicit tobacco products. As a result of a test purchase and seizure in December 2017 the Premises Licence revoked.

The Trading Standards Service were concerned that the previous Premises Licence holder was working in the premises and that the sale of illicit tobacco products would continue.

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**



Signature

Date **26 September 2018**

Capacity **Tobacco and Alcohol Control Officer**

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Greg Bristol  
Trading Standards Service  
Civic Office  
Waterdale

**Post town**  
Doncaster

**Post Code**  
DN1 3BU

**Telephone number (if any)** 01302 737534

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

## Notes for Guidance

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



# South Yorkshire POLICE

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

RE- Sale of Illicit Tobacco

Intake Booze  
71 Sandringham Road,  
Intake  
Doncaster  
DN2 5HY

On the 26<sup>th</sup> June 2018, the premise was visited and it was noted that high strength alcohol was on sale at the premise, which contravened the conditions on the premise licence “ No Beers, Lager or Cider above 6.5% ABV to be sold at these premises

On 30<sup>th</sup> July 2018 information was received regarding illicit tobacco being sold from the premise. As a result a test purchase operation was carried out on 10<sup>th</sup> September, where two packets of Rothmans Demi 20's where sold, it was found that the tobacco was in incorrect packaging and did not comply with Reg. 3 of the Standardised Packaging of Tobacco products regulations 2015.

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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Licensing Act 2003

Responsible Authority Representation Form

|                              |  |
|------------------------------|--|
| <b>Responsible Authority</b> | Licensing Authority  |
| <b>Location</b>              | Civic Office, Waterdale, Doncaster, DN1 3BU  |
| <b>Officer Details</b>       | Name: Daniel B Weetman<br>Job title: Senior Environmental Health Practitioner<br>Tel: 01302 734009<br>Email: Daniel.weetman@doncaster.gov.uk |

| Application Details        |   |
|----------------------------|---|
| <b>Our Reference</b>       | WK/218019249 / PI/000204585                                   |
| <b>Address of Premises</b> | Intake Booze, 71 Sandringham Road, Intake, Doncaster, DN2 5HY |
| <b>Type of Application</b> | Review: Premises Licence LN/201800243                         |

| Details of Representation  |
|--|
| <p>The Licensing Authority makes this representation in support of Doncaster Trading Standard's application to review the premises licence of Intake Booze, 71 Sandringham Road, Intake, Doncaster, DN2 5HY.</p> <p>The licensing objective relevant to this representation is Prevention of crime and disorder.</p> <p>On accessing records held by the Licensing department, I noted that there is a history of continuing non-compliance with licence conditions attached to the premises licence.</p> <p>An inspection of the premises was carried out on 2 July 2018 by Licensing Compliance Officer, Mrs Smith. She noted the following non-compliances:</p> <ul style="list-style-type: none"><li>• Premises licence summary was not on display</li><li>• The premises licence was not available for inspection</li><li>• No age challenge posters displayed</li><li>• No signs asking people to leave the premises quietly and respect neighbours displayed</li></ul> <p>A follow up inspection was carried out by Licensing Compliance Officer Mr Greatorex on 14 September 2018 and the following non-compliances were noted:</p> <ul style="list-style-type: none"><li>• Premises licence summary was not on display</li><li>• No 'Challenge 21' posters on display</li><li>• Refusals log not kept</li><li>• CCTV system was not recording</li></ul> |

On both visits, an inspection sheet was completed by the officer and a copy left at the premises. Mr Greatorrex carried out a further visit to the premises on 21 September 2018 where he found that most of the outstanding issues had been resolved except the CCTV system was still not recording.

Mr Greatorrex has provided a witness statement summarising his involvement with the premises which is attached to this form.

According to the application for a review of the premises licence, Doncaster Trading Standards conducted a test purchase at the premises on 10 September 2018 where the premises sold cigarettes that were found to be smuggled. It is an offence under Section 144 of the Licensing Act 2003 to knowingly keep or allow to be kept on licensed premises any smuggled goods.

I also note that the seller of the cigarettes during the test purchase was identified by Trading Standards as the previous premises licence holder, Mr Shuan Sofi. Mr Sofi had his premises licence revoked at a hearing by the Licensing Sub-committee on 14 February 2018 due to his involvement in the supply of illicit tobacco products from the premises.

Following Mr Ali's application for a premises licence, representations were made by Trading Standards due to their concerns over Mr Sofi's continued involvement in the business, and the application proceeded to a hearing on 14 May 2018. At that hearing the Licensing Sub-Committee decided to grant the Premises Licence as it was submitted by Mr Ali, and accepted by the Sub-Committee that Mr Sofi would no longer be involved in the business. This is clearly not the case. A copy of the minutes of the hearing are attached to this form.

The premises continue to be run in a way that permits criminal activity, fails to comply with conditions attached to the premises licence and fails to promote the licensing objectives.

The Licensing Authority recommends that the Licensing Sub-Committee consider revocation of the premises licence.

|                       |                |
|-----------------------|----------------|
| <b>Date Submitted</b> | 4 October 2018 |
|-----------------------|----------------|



**DONCASTER**  
Doncaster Metropolitan Borough Council

Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, s 9  
Magistrates' Courts Act 1980, s.5B

## Witness Statement

**STATEMENT OF: Robyn Christopher GREATOREX**

**OCCUPATION OF WITNESS: Licence Compliance Coordinator**

**AGE OF WITNESS: Over 18** (if over 18 enter 'Over 18')

This statement (consisting of 0 page(s) signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:  Dated the ...2 October 2018.....

I am a licence compliance officer with Doncaster Metropolitan Borough Council it is part of my duties to inspect licensed premises to ensure they are complying with the conditions of their premises licence. From records in my possession I can say the premises of Intake Booze 71 Sandringham Road Doncaster were inspected at 10:45 on the 2 July 2018. At that time the summary of the licence was not on display and a copy of the licence was not available for inspection both are legal requirements of holding the premise licence. There were no age challenge posters and no signs asking people to leave the premises quietly and respect the neighbours both these are conditions placed within the licence and therefore Intake Booze were not complying with the conditions of the said licence.

As a result of the above I attended the premises at 13:30 on the 14 September 2018 and carried out a further licensing compliance visit. At that time there was no summary of the licence on display a legal requirement of holding a licence. The CCTV was not recording there were no challenge 21 posters on display and no refusal log was kept to record any incidents within the premises. These three things are all conditions of the licence and again display breaches of that licence. On both occasions a visit sheet for the premises was completed and signed by a member of staff from the store. I can produce a copy of the visit on the 2 July 2018 as exhibit RCG1 and a copy of the visit sheet for the 14 September 2018 as exhibit RCG2. I can identify both exhibits by my signature on the rear of the exhibits.

On both occasions the store were blatantly not complying with the conditions contained within their premise licence and showed a complete disregard for the licence granted allowing them to sell alcohol.

Signed:.....  


|                       |   |                    |                  |
|-----------------------|---|--------------------|------------------|
| <b>Business Name:</b> | <u>Intake Bar</u>   | <b>Licence No.</b> | <u>201800243</u> |
| <b>Address:</b>       | <u>71 Sandringham Rd.<br/>Intake<br/>Doncaster DN2 511Y</u>                       |                    |                  |
| <b>Type:</b>          | Premises Licence/Club Premises Certificate/Other (please specify) <u>Premises</u> |                    |                  |

Licence inspection: Is the Summary on Display: Yes/No  Is the Licence/Conditions held at Premises: Yes/No

Premises Licence Holder: Ismaeil Ali DPS (if applicable): Ismaeil Ali

Is the DPS as per Licence? Yes/No / NA

Is the DPS present? Yes/No/NA   
 Person Authorised in absence: \_\_\_\_\_

**LICENSABLE ACTIVITIES carried on:**

Regulated Entertainment: Plays / Films / Indoor Sporting Events / Boxing or Wrestling / Live Music/ Recorded Music / Performances of Dance / Adult Entertainment / Anything Similar

Does the Licence/Certificate permit the Licensable Activities carried on: Yes / No Supply of Alcohol: On / Off / Both

Children allowed: Yes/No  
 Capacity (if applicable): 2100

**AWARENESS OF LICENSING OBJECTIVES BY PREMISES LICENCE HOLDER / DPS:**   
 (Key = A - Very Good, B - Good, C - Fair, D - Poor)

**CONDITIONS OF LICENCE / CERTIFICATE:**

The following Conditions of the Licence were NOT being complied with:

1) Challenge 25 poster  
Summary not on display  
licence not available

**Details of any matters identified during the inspection requiring your attention.**

| Details of any matters identified during the inspection requiring your attention. | Legal Requirement/ Recommendation |
|---|-----------------------------------|
| <u>1) Challenge 25 poster to be displayed</u>                                     | <u>Legal Req</u>                  |
| <u>2) licence Summary to be displayed</u>   | <u>Legal Req</u>                  |
| <u>3) Premises licence to be available</u>  | <u>Legal Req</u>                  |
| <u>4) NO sign to respect neighbours</u>   | <u>Legal Req</u>                  |

Following an inspection of the above premises, I can confirm that the overall inspection outcome was:

Compliant

Non-compliant

INSPECTING OFFICER(S) S. Smith

SIGNATURE 

DATE OF INSPECTION 2.7.2018

TIME STARTED 10.45

TIME ENDED 10.59

BUSINESS REPRESENTATIVE Sgt Smith

SIGNATURE 

To discuss the above findings or request further advice please contact the above officer on (01302) 734076

**FOR OFFICIAL USE ONLY**

|          |             |            |           |            |           |
|----------|-------------|------------|-----------|------------|-----------|
| Capacity | <u>2100</u> | Venue Type | <u>IC</u> | Awareness  | <u>15</u> |
| Hours    | <u>5</u>    | Compliance | <u>20</u> | Confidence | <u>15</u> |
|          |             |            |           | TOTAL      | <u>30</u> |

Risk Rating Assessment: V. High  High  Medium  Low  Very Low

**No Smoking**

Compliant

Signage

EXHIBIT RECEIVED  
[REDACTED]



Business Name: INTAKE BOOZE Licence No. \_\_\_\_\_  
 Address: 71 SANDRINGHAM ROAD  
INTAKE  
ONZ SHY.  
 Type: Premises Licence Club Premises Certificate/Other (please specify)

Licence inspection: Is the Summary on Display: Yes/No Yes Is the Licence/Conditions held at Premises: Yes/No

Premises Licence Holder: ISMAYIL ALI DPS (if applicable): ISMAYIL ALI

Is the DPS as per Licence? Yes/No/NA

Is the DPS present? Yes/No/NA  
Person Authorised in absence: \_\_\_\_\_

LICENSABLE ACTIVITIES carried on:

Regulated Entertainment: Plays / Films / Indoor Sporting Events / Boxing or Wrestling / Live Music/ Recorded Music / Performances of Dance / Adult Entertainment / Anything Similar

Provision of Late Night Refreshment: Yes/No Supply of Alcohol: On/Off/Both

Does the Licence/Certificate permit the Licensable Activities carried on: Yes/No

Children allowed Yes / No  
Capacity (if applicable): 20

AWARENESS OF LICENSING OBJECTIVES BY PREMISES LICENCE HOLDER / DPS:  
(Key = A - Very Good, B - Good, C - Fair, D - Poor) D

CONDITIONS OF LICENCE / CERTIFICATE:

The following Conditions of the Licence were NOT being complied with:

- NO SUMMARY ON DISPLAY.
- CCTV NOT RECORDING
- NO CHALLENGE 21 POSTERS.
- NO REFUSAL LOG.

Details of any matters identified during the inspection requiring your attention.

|                                | Legal Requirement/ Recommendation |
|--------------------------------|-----------------------------------|
| <u>SUMMARY TO DISPLAY</u>      | <u>LEGAL</u>                      |
| <u>CCTV NEEDS REPAIRING.</u>   | <u>LEGAL.</u>                     |
| <u>NO CHALLENGE 21 POSTERS</u> | <u>LEGAL</u>                      |
| <u>NO REFUSAL LOG</u>          | <u>LEGAL</u>                      |

Following an inspection of the above premises, I can confirm that the overall inspection outcome was:-

Compliant

Non-compliant

INSPECTING OFFICER(S) RECREATOR EX (Print name)

SIGNATURE [Signature]

DATE OF INSPECTION 14.9.18

TIME STARTED 1330

TIME ENDED 1415

BUSINESS REPRESENTATIVE MONIKA KLOS (Print name)

SIGNATURE [Signature]

To discuss the above findings or request further advice please contact the above officer on (01302) \_\_\_\_\_

FOR OFFICIAL USE ONLY

|                |          |                     |           |                        |           |
|----------------|----------|---------------------|-----------|------------------------|-----------|
| Capacity       | <u>5</u> | Venue Type          | <u>10</u> | Awareness              | <u>20</u> |
| Hours          | <u>5</u> | Compliance          | <u>20</u> | Confidence             | <u>20</u> |
| Rateable Value |          | Acc details correct |           | Total                  | <u>80</u> |
|                |          |                     |           | No. of gaming machines |           |

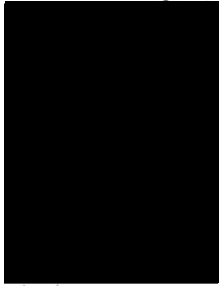
Risk Rating Assessment: V. High  High  Medium  Low  Very Low

No Smoking

Compliant

Page 36

EXHIBIT REC 2  
V2C



21

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: *R* 

DATE: *4/7/2018*



# Doncaster Council

[www.doncaster.gov.uk](http://www.doncaster.gov.uk)

**Mr Ismayil Ali**  
 [REDACTED]  
 [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/201800243  
**Your Ref:**  
**Date:** 29 June 2018

Dear Licence holder,

**Premises Licence - LN/201800243 - Licensing Act 2003**  
**Intake Booze, 71 Sandringham Road, Intake, Doncaster, DN2 5HY**

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.

**Rateable Value (£):** B 4301- 33000  
**Premises Band:** B  
**Date licence First Issued:** 25th June 2018  
**Client Number:** [REDACTED]  
**Contract Number:** [REDACTED]

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.
- 9) The 2003 Act provides special arrangements for the continuation of permissions under a premises licence when the holder of a licence dies suddenly, becomes bankrupt/insolvent/dissolved, mentally incapable, ceases to be entitled to work in the UK or the licence is surrendered. In the normal course of events, the licence would immediately lapse in such circumstances. The Act provides for the licence to be capable of being reinstated in a discrete period of time in certain circumstances. A person who may apply for the grant of a premises licence may apply within 28 consecutive days of the lapse for the transfer of the licence to them with immediate effect pending the determination of the application. This will result in the licence being reinstated from the point at which the transfer application was received by the licensing authority.

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.**

### DO YOU BUY ALCOHOL FOR ONWARD SALE OR SUPPLY FROM A UK WHOLESALER?

From 1 April 2017 it is an offence to buy alcohol for onward sale or supply from an unapproved UK wholesaler.

The Alcohol Wholesale Registration Scheme (AWRS) was introduced to help HM Revenue and Customs (HMRC) tackle alcohol fraud.

Any business buying alcohol from a UK wholesaler for onward sale or supply to their customers will need to check that their wholesaler has been approved by HMRC under AWRS.

You can check your UK wholesaler is AWRS approved by using the alcohol wholesalers register online at [www.gov.uk/check-alcohol-wholesaler-registration](http://www.gov.uk/check-alcohol-wholesaler-registration). You will need your wholesalers unique reference number (URN), which should be displayed on their invoice. Speak to your wholesaler if you can't find their URN.

Once you find your wholesaler on the register, keep a record of your check by printing off or saving the page to confirm that they are approved. HMRC may ask you for those details at a later date.

If you are unable to find your wholesaler on the register, tell them that they need to contact HMRC for approval. You should not buy alcohol from them and should notify HMRC by searching for Customs, Excise and VAT fraud reporting on GOV.UK.

Any business found buying alcohol from a non-registered UK wholesaler could have their alcohol stock seized, be fined or even prosecuted.

For more information, go to GOV.UK and search for the Alcohol Wholesaler Registration Scheme.

Don't get caught short.



# Doncaster Council

LICENSING ACT 2003  
Section 24

## Premises Licence

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

**Premises licence number**

**LN/201800243**

## Part 1 – Premises details

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

Intake Booze, 71 Sandringham Road, Intake, Doncaster, DN2 5HY

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 plans)   | Whole of Premises    |
| Mon  | <b>08:00 - 23:00</b>        | <b>06:00 - 23:00</b> |
| Tues | <b>08:00 - 23:00</b>        | <b>06:00 - 23:00</b> |
| Wed  | <b>08:00 - 23:00</b>        | <b>06:00 - 23:00</b> |
| Thur | <b>08:00 - 23:00</b>        | <b>06:00 - 23:00</b> |
| Fri  | <b>08:00 - 23:00</b>        | <b>06:00 - 23:00</b> |
| Sat  | <b>08:00 - 23:00</b>        | <b>06:00 - 23:00</b> |
| Sun  | <b>08:00 - 23:00</b>        | <b>06:00 - 23:00</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>Mr Ismayil Ali</b><br>██████████<br>██████████<br>██████████<br>██████████ | <b>Telephone Number:</b> ██████████ |
|---|-------------------------------------|

*Registered number of holder, for example company number, charity number (where applicable)*

|                           |
|---------------------------|
| <b>Registered Number:</b> |
|---------------------------|

*Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:*

|  |                                     |
|--|-------------------------------------|
| <b>Ismayil Ali</b><br>██████████<br>██████████<br>██████████<br>██████████ | <b>Telephone Number:</b> ██████████ |
|--|-------------------------------------|

*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/200600453</b> |
|---------------------------------------|



*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*

The 'Challenge 21' age verification policy will be implemented.

A CCTV system will be fitted, maintained and in use at all times whilst the premises are open.

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.

All safety certificates and inspection reports will be kept on site and will be made available for inspection by officers of relevant statutory bodies.

An adequate and appropriate supply of first aid equipment will be available on the premises.

Fire safety measures provided on the premises will be maintained in good working order and their adequacy will be determined on a regular basis

All staff will be trained in relation to emergency and general safety procedures.

Customers will be discouraged from congregating outside the premises

No deliveries of stock will be made to the premises between 20:00hrs and 08:00hrs on any day.

Clear and legible notices shall be displayed at all exits requesting that the public respect the needs of local residents and to leave the area quietly.

A refusals book will be maintained.

Staff will receive training on matters concerning underage sales and operating procedures. Records of such training will be kept and made available for inspection by the authorities on request.

No singular alcoholic drinks, including beer, lager & cider in cans will be sold; a minimum purchase of 4 will be required.

No Beers, Lager or Cider above 6.5% ABV to be sold at these premises.

*Annex 3 – Conditions attached after hearing by the Licensing Authority*

**CONDITIONS ATTACHED BY THE LICENSING SUB-COMMITTEE 18.06.2018**

The CCTV in the premises shall ensure that the whole of the retail area of the premises are covered.

*Annex 4 – Plans*

See attached plan



**Doncaster  
Council**

www.doncaster.gov.uk

## LICENSING ACT 2003 - Section 24

### Premises Licence Summary

Doncaster Metropolitan Borough Council,  
Business Safety and Licensing, Civic Office, Waterdale, Doncaster DN1 3BU

**Premises licence number** **LN/201800243**

#### Premises details

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

**Intake Booze, 71 Sandringham Road, Intake, Doncaster, DN2 5HY**

Telephone number:

Where the licence is time limited – the dates:

*Licensable activities authorised by the licence:*

**Sale of Alcohol (Off only)  
Opening Hours**

*Name, (registered) address of holder of premises licence:*

**Mr Ismayil Ali ,**

*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:*

**Ismayil Ali**

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

*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.**



*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<br>(Off only). | Opening Hours.       |
|------|--------------------------------|----------------------|
|      | Licensed area<br>(see plans)   | Whole of<br>Premises |
| Mon  | <b>08:00 - 23:00</b>           | <b>06:00 - 23:00</b> |
| Tues | <b>08:00 - 23:00</b>           | <b>06:00 - 23:00</b> |
| Wed  | <b>08:00 - 23:00</b>           | <b>06:00 - 23:00</b> |
| Thur | <b>08:00 - 23:00</b>           | <b>06:00 - 23:00</b> |
| Fri  | <b>08:00 - 23:00</b>           | <b>06:00 - 23:00</b> |
| Sat  | <b>08:00 - 23:00</b>           | <b>06:00 - 23:00</b> |
| Sun  | <b>08:00 - 23:00</b>           | <b>06:00 - 23:00</b> |

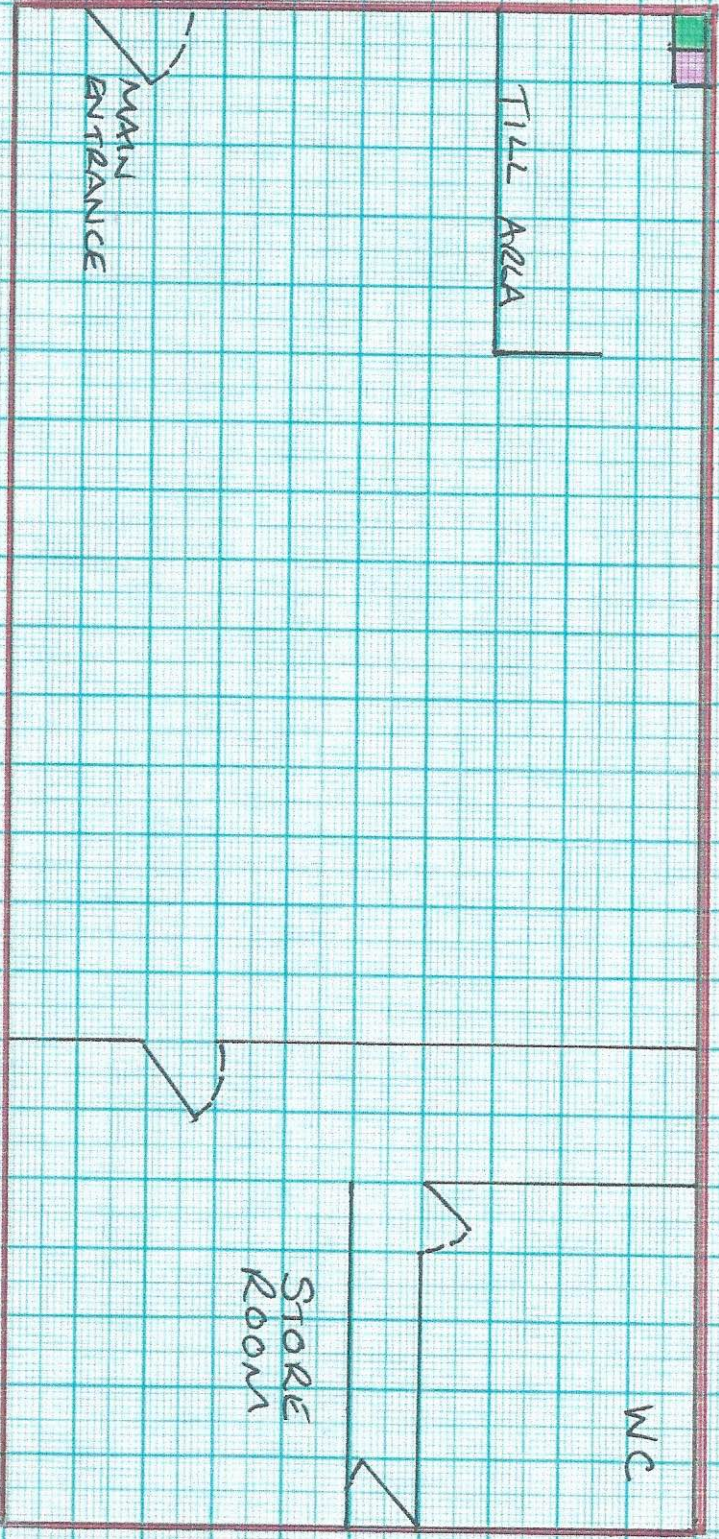
*Non-Standard Timings:*

|            |
|------------|
| <b>N/A</b> |
|------------|

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SANDOR-ZATAN ROAD

INTAKE BOOZE  
71 SANDRINGHAM ROAD  
DONCASTER DN2 5HY



KEY  
FIRST AID  
FIRE FIGHTING EQUIP  
LICENSED AREA

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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