

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

MONDAY, 3RD DECEMBER, 2018

A MEETING of the LICENSING SUB-COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE on MONDAY, 3RD DECEMBER, 2018, at 9.30 am.

PRESENT:

Chair - Councillor Ken Keegan

Councillors Bev Chapman, Sue McGuinness and Ian Pearson.

1 DECLARATIONS OF INTEREST, IF ANY

There were no declarations made at the meeting.

2 APPLICATION FOR A REVIEW PREMISES LICENCE – ‘SIMPLY THE BEST’, 132 WARMSWORTH ROAD, BALBY, DONCASTER DN4 0RS

The Sub-Committee considered an application for a review of an existing premises licence in respect of ‘Simply the Best’, 132 Warmsworth Road, Balby, Doncaster, DN4 0RS, following an application received from the Trading Standards responsible authority under the Licensing Act 2003.

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.

Representations in support of the application for review had been received from South Yorkshire Police and Doncaster’s Planning authority, responsible authorities under the Licensing Act 2003. The representations, together with supporting evidence from the applicant, which did not form part of the public report, but as required by law, had been provided, to the Premises Licence Holder and to the Members of the Licensing Sub-Committee. Copies of which were attached at Appendix F to the report.

Trading Standards had indicated that a copy of the application for review had been sent to the Premises Licence Holder and Responsible Authorities.

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 Licensing Officer introduced the report and outlined the salient points.

Representatives from the Trading Standards Authority addressed the Sub-Committee, made representations and answered questions. To support the Trading Standards application for a review of the premises licence, the Sub-Committee was asked to observe seized goods of cigarettes and tobacco as part of the representations.

The Premises Licence Holder was 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 in private.

The Sub-Committee considered the application for a Review of the Premises Licence for 'Simply the Best', 132 Warmsworth Road, Balby, Doncaster, DN4 0RS and having taken into account the written representations made and the evidence presented today, the steps that were appropriate to promote the Licensing Objectives, the Home Office Guidance, and the Council's Statement of Licensing Policy, RESOLVED to Revoke the licence.

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

Trading Standards say the Premises Licence Holder is not promoting the licensing objectives specifically Crime and Disorder and Public Safety. Trading Standards say this case relates to mainly the sale of illicit tobacco, which do not have the correct safety features, nor have the correct duty paid on them.

Trading Standards say they received a complaint that illicit tobacco was being sold from the premises and following a search on 29th August 2018, found illicit tobacco in the premises. The Sub-Committee therefore believes that the Premises Licence Holder was selling illicit tobacco from the premises. The Sub-Committee has noted the tobacco did not bear the correct health warnings, nor the correct duty markings. Also at the search, high strength lager was found in the storeroom. Trading Standards believe this was being sold and the Sub-Committee agrees. The Sub-Committee therefore believes that this is in breach of the licence conditions.

The Sub-Committee was most concerned that the Premises Licence Holder, when he purchased the business, which he says was in or around April/May 2018, he had very little understanding of the concept of a personal or premises licence or their relevance. The Premises Licence Holder states he was the only person running the shop with occasional assistance from a friend. The Premises Licence Holder was asked what his understanding was of the 4 Licensing Objectives. The Premises Licence Holder confirmed he thought there were 4, but was unable to confirm what they were, only giving a limited understanding of their importance to an alcohol licence. The Sub-Committee are therefore concerned that the premises has been trading irresponsibly and cannot have been promoting the Licensing Objectives. When the Sub-Committee asked about the illicit sale of tobacco, the Premises Licence Holder said he knew it was illegal and therefore he knew that the premises would be trading outside the relevant statutory provisions. The Sub-Committee believes that the Premises Licence Holder was selling illicit tobacco from at least when he took over the business. The Premises Licence Holder said that the reason he was selling the illicit tobacco was for financial reasons, even though he knew it was illegal.

The Sub-Committee have considered at length whether there are any other sanctions, other than revocation, that would be appropriate, but noting the Statutory guidance that states the sale and storage of smuggled tobacco should be taken particularly seriously and the fact the Premises Licence Holder has been trading irresponsibly, and has sold illicit tobacco at another premises. The Sub-Committee have no confidence that any conditions or other sanction will ensure that this will prevent the premises from trading irresponsibly, and therefore undermining the licensing objectives.

CHAIR: _____

DATE: _____