



Doncaster Council

Agenda

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: Monday, 10th December, 2018

Time: 9.30 am

Items for Discussion:

Item	PageNo.
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 Licensing Sub Committee Meeting held on 16th November, 2018	1 - 4

Jo Miller
Chief Executive

Issued on: Friday 30th November, 2018

Governance Services Officer for this meeting:

David Taylor
Tel: 01302 736712

Doncaster Metropolitan Borough Council
www.doncaster.gov.uk

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

5. Application for a Review of an Existing Premises Licence - Lila Mini Market, 7 Bass Terrace, Thorne Road, Doncaster DN1 2HZ 5 - 40

(Appendix F to the report is not for publication as it contains personal information protected by Data Protection Legislation, not required to be published in accordance with the Licensing Act, 2003)

Members of the Licensing Sub-Committee

Chair – Councillor Ken Keegan

Councillors Charlie Hogarth, Sue McGuinness and David Nevett.

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

FRIDAY, 16TH NOVEMBER, 2018

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

PRESENT:

Chair - Councillor Ken Keegan

Councillors Bev Chapman, John Gilliver and Martin Greenhalgh

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

RESOLVED that as there was exempt information defined under Paragraph 7 (information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime) of Part of Schedule 12A of the Local Government Act 1972, (as amended) any discussions relating to the exempt appendices would be held in private session.

- 2 Declarations of interest, if any.

There were no declarations made at the meeting.

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

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

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

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

- 5 Adjournment of Meeting

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

- 6 Reconvening of Meeting

The meeting reconvened at 10.00 am.

7 Application for a Review of Existing Premises Licence

The Sub-Committee considered an application for a review of an existing premises licence for Intake Booze, 71 Sandringham Road, Intake, Doncaster, DN2 5HY.

The review was brought before the Sub-Committee on the grounds of 'the Prevention of Crime and Disorder' and 'Public Safety' Licensing objectives. A summary of the application was attached as Appendix B to the report.

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

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

The Sub-Committee Members, the Premises Licence Holder and the Responsible Authorities had received the agenda prior to the meeting.

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

The Chair and Members noted that there were no Members of the Public or Press present at the meeting and therefore:-

It was RESOLVED that as there was exempt information defined under Paragraph 7 (information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime) of Part of Schedule 12A of the Local Government Act 1972, as amended) the meeting be held in private session.

Representatives from the Trading Standards Authority and the Licensing Authority addressed the Committee and answered questions.

All parties were then asked to leave the room whilst the Sub-Committee deliberated on the application and reached a decision.

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR: _____

DATE: _____



Doncaster Council

Report

To the Chair and Members of the

LICENSING SUB-COMMITTEE

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

Lila Mini Market, 7 Bass Terrace, Thorne Road, Doncaster, DN1 2HZ

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 Lila Mini Market, 7 Bass Terrace, Thorne Road, Doncaster, DN1 2HZ. 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.

BACKGROUND

4. The premises concerned are currently licensed for the sale of alcohol for consumption off the premises 09:00 – 23:00 Monday to Sunday.
5. 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.
6. A summary of the application is attached as Appendix B to this report.
7. A location plan of the premises is attached at Appendix C.

8. A copy of the application is attached at Appendix D.
9. 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.
10. The current premises licence, which shows the permitted licensable activities and conditions, is reproduced at Appendix E.
11. A relevant Representation regarding the application has been received from South Yorkshire Police Responsible Authority, which relates to one or more of the four licensing objectives. The representation, which does not form part of the public report, but as required by law, has been provided to the Premises Licence Holder and to the members of the Licensing Sub-Committee as Appendix F.
12. The applicant has indicated that a copy of the application for review was sent to the Premises Licence Holder and Responsible Authorities.

OPTIONS CONSIDERED

13. 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.
14. 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

15.

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are 	<p>It is recognised that licensed premises are, quite often, businesses and places of employment.</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, will have</p>

	<p>supported to flourish</p> <ul style="list-style-type: none"> • Inward Investment 	<p>regard to this outcome when making licensing decisions.</p> <p>The licensing objectives are:</p> <ol style="list-style-type: none"> 1. Prevent crime and disorder 2. Prevent public nuisance 3. Public safety 4. Protection of children from harm
	<p>Doncaster Living: 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"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<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>Doncaster Learning: 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"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better <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>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust 	<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>

	<ul style="list-style-type: none"> • Older people can live well and independently in their own homes 	
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	<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

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

LEGAL IMPLICATIONS [Officer Initials HW Date 22/11/18]

17. 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.

The 2005 Regulations also set out the pre-hearing requirements including to whom notice of hearings and details of the representations received must be sent. The report confirms we have complied with the statutory requirements.

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]

18. 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]

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

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

20. 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]

21. 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 the grant, variation or review of a premises licence. These representations must still be considered 'relevant' and relate to one or more of the licensing objectives.
22. 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.
23. 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 16/11/2018]

24. 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

25. In addition to the advertising requirements, copies of the application form have been served on all relevant Responsible Authorities referred to in Section 13 of the Licensing Act 2003. These are:

- Doncaster Council – Environmental Protection - Enforcement
- Doncaster Council - Health & Safety Enforcement
- Doncaster Council – Licensing Authority
- Doncaster Council - Planning Services
- Doncaster Council - Trading Standards
- Doncaster Safeguarding Children Board
- Doncaster Council - Public Health
- Home Office - Immigration Enforcement
- South Yorkshire Fire and Rescue Authority
- South Yorkshire Police

BACKGROUND PAPERS

26. Doncaster Council's Statement of Licensing Policy 2016
27. Home Office Guidance issued under section 182 of the Licensing Act

REPORT AUTHOR & CONTRIBUTORS

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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: Mr Greg Bristol on behalf of Doncaster Trading Standards

Name of Premises: Lila Mini Market

Address: 7 Bass Terrace, Thorne Road, Doncaster, DN1 2HZ

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

- Illicit tobacco products have been sold from these premises
- Breach of licence conditions relating to CCTV

Location Plan



(c) Crown copyright. License Number 100019782, 2007.
 (c) Copyright GeoInformation Group 1997, 2002, 2005 and 2007.



Key :
 premises
 location

Notes :

Title : <Double-click here to enter title>

Completed By :

arcgis

Reference :

81ac9765c3904058a89c28447b6f

Date :

16/11/2018

Scale :
 1:781

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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

Postal address of premises or, if none, ordnance survey map reference or description Lila Mini Market 7 Bass Terrace Thorne Road	
Post town Doncaster	Post code (if known) DN1 2HZ

Name of premises licence holder or club holding club premises certificate (if known) Sarkawt Karimi

Number of premises licence or club premises certificate (if known) 201400778
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Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 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

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

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Greg Bristol Trading Standards Service Doncaster Council Civic Office Waterdale Doncaster DN1 3BU
Telephone number (if any) 01302 737534
E-mail address (optional) 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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

<p>Please state the ground(s) for review (please read guidance note 1) Illicit tobacco products have been sold from Lila Mini Market, 7 Bass Terrace, Thorne Road.</p> <p>Sale of illicit tobacco products is a criminal offence.</p> <p>Illicit tobacco products are not made to the same standards as legitimate tobacco products and do not incorporate the safety features required by the Regulations. In particular, cigarettes made in this way lack the capacity to self-extinguish. They have been implicated in house fires.</p> <p>During the investigation into the sale of illicit tobacco products issues relating to the Premises Licence itself have been discovered.</p>
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Please provide as much information as possible to support the application
(please read guidance note 2)

On 19 April 2018 an illicit tobacco product, Marlboro Gold 20s cigarettes, was bought from Lila Mini Market, 7 Bass Terrace, Thorne Road. The cigarettes were not in standardised "plain" packaging, nor did the packaging bear the correct health warnings in English, as required by the Regulations. The cigarette packaging also did not bear "UK Duty Paid" and was therefore smuggled.

On 29 June 2018 a search of Lila Mini Market was conducted. During the search a bag of cigarettes was seized. The packaging of the cigarettes did not comply with the Regulations and did not have UK duty applied.

During the search officers noted a supply of high strength (>6.5% abv) Polish lager in the rear store room of the premises. Invoices for the lager could not be provided. The Premises signed an agreement not to sell high strength lager, beer or cider.

CCTV footage of from the premises has not been provided.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

Not applicable

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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date 16 October 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 5)

Greg Bristol
Trading Standards Service
Doncaster Council
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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



Doncaster Council

www.doncaster.gov.uk

Mr Sarkawt Karimi
■ Bessacarr Lane
Doncaster
DN4 7PU

Contact: Licensing Office
Tel: (01302) 737590
E-mail: licensing@doncaster.gov.uk
Web: www.doncaster.gov.uk/licensing
Our Ref: LN/201400778
Your Ref:

Dear Licence holder,

Premises Licence - LN/201400778 - Licensing Act 2003
Lila Mini Market, 7 Bass Terrace, Thorne Road, Doncaster, DN1 2HZ

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 (£):	A 0- 4300
Premises Band:	A
Date licence First Issued:	10th December 2014
Client Number:	██████████
Contract Number:	██████████

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. 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/201400778

Part 1 – Premises details

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

Lila Mini Market, 7 Bass Terrace, Thorne Road, Doncaster, DN1 2HZ

Telephone number:

Where the licence is time limited – the dates

Licensable activities authorised by the licence

Sale of Alcohol (Off only)

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).
	Licensed Area (see plan)
Mon	09:00 - 23:00
Tues	09:00 - 23:00
Wed	09:00 - 23:00
Thur	09:00 - 23:00
Fri	09:00 - 23:00
Sat	09:00 - 23:00
Sun	09:00 - 23:00

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:

Mr Sarkawt Karimi ■ Bessacarr Lane Doncaster DN4 7PU	Telephone Number: Email: ██████████
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Registered number of holder, for example company number, charity number (where applicable)

Registered Number:

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

Sarkawt Karimi ██████████ ██████████ ██████████	Telephone Number: ██████████
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Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale of alcohol:

LN/201300620 Doncaster Council

*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

1. CCTV cameras are installed and directed at any points of sale of alcohol.
2. At all times when the premises operate under the terms of the premises licence that CCTV cameras serving the premises shall:
be maintained fully operational and in good working order;
make and retain clear images that include points of sale of alcohol and the facial images of the purchasers of alcohol; and
show an accurate date and time of when the images were made.
3. All CCTV images shall be retained for a period of not less than 28 days and shall be made available for viewing by any police officer or other authorised person upon request.
4. Copies of CCTV recordings shall be provided in a format that can be viewed on readily available equipment without the need for specialise software.
5. No alcohol shall be sold if the CCTV equipment is inoperative for an unreasonable amount of time, without having taken steps to ensure without due delay that repairs have been commissioned.
6. The premises shall operate in accordance with the "Challenge 21" and all customers attempting to purchase alcohol who appear to be under the age of 21 shall be required to produce a valid proof of age. Notice to this effect shall be displayed in a clear and prominent position at the premises.
7. The only proof of age accepted in respect or the sale of alcohol shall be:
a proof of age card bearing the "PASS" hologram logo;
a passport;
an EU photo driving licence; or
any other form of identification approved in writing by the Licensing Authority
8. A refusals book, or similar record, shall be kept at the premises in which must be recorded forthwith the dale, time and circumstances under which any attempted purchase by a young customer has been refused. This book, or other form of record, must be made available for inspection, upon request by any police officer or authorised person.
9. Staff shall receive regular training on the responsible retailing of alcohol, including the prevention of underage sales, and the use of the premises CCTV system. Such training shall take place on induction, and at least once a year thereafter.
10. Signs shall be displayed inside and outside of the premises warning adults that it is an offence to buy alcohol on behalf of anyone under 18 years.

Annex 3 – Conditions attached after hearing by the Licensing Authority

Conditions added by the Licensing Sub Committee at the hearing on the 8th December 2014

1. The licence holder must provide a litter bin, for customers to use, and make arrangements for it to be emptied.
2. Condition 9 (operating schedule) is amended to include the requirement to keep a record/log of the training received.

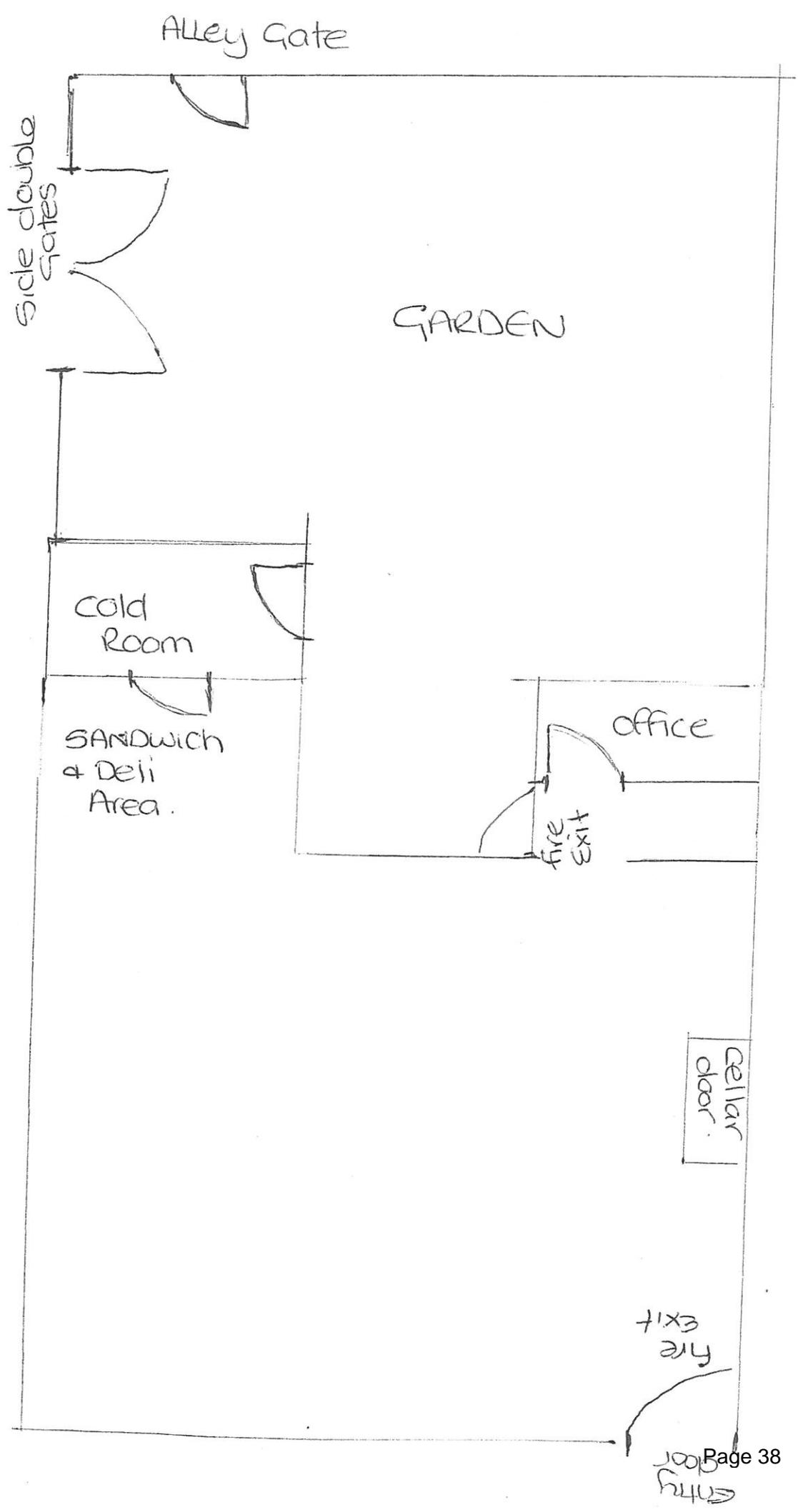
The times the licence authorises the carrying out of licensable activities, their permitted locations and the opening hours of the premises are as follows:

	Sale of Alcohol (Off only).
	Licensed Area (see plan)
Mon	09:00 - 23:00
Tues	09:00 - 23:00
Wed	09:00 - 23:00
Thur	09:00 - 23:00
Fri	09:00 - 23:00
Sat	09:00 - 23:00
Sun	09:00 - 23:00

Non-Standard Timings:

N/A

7 Bass Terrace
Thorne Road
Doncaster
DN1 2HZ



Document is Restricted

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