

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

MONDAY, 7TH JANUARY, 2019

A RECONVENED MEETING of the LICENSING SUB-COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE on MONDAY, 7TH JANUARY, 2019, at 9.30 am.

PRESENT:

Chair - Councillor Ken Keegan

Councillors Steve Cox, Charlie Hogarth and David Nevett.

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 restricted information protected by the Data Protection Legislation, any discussions relating to Appendices F and G to the report, could be held in private session.

2 DECLARATIONS OF INTEREST, IF ANY

There were no declarations made at the meeting.

3 APPLICATION FOR A PREMISES LICENCE - APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE - LILA MINI MARKET, 7 BASS TERRACE, THORNE ROAD, DONCASTER DN1 2HZ (Minute No.3 - 10th December, 2018)

Further to the above Minute, the Sub-Committee considered an application for the review of an existing premises licence in respect of Lila Mini Market, 7 Bass Terrace, Thorne Road, Doncaster, DN1 2HZ, 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 at Appendix B to the report.

Representations from South Yorkshire Police in support of the review, together with further supporting information from Trading Standards were attached to the report at Appendices F and G respectively, which were not for publication as they contained personal information protected by the Data Protection Legislation, which was not required to be published in accordance with the Licensing Act, 2003.

Subsequent to the dispatch of the agenda papers, additional information in respect of photographs of the outside of the premises from the representative acting on behalf of the Premise Licence Holder, had been circulated as part of the Premise Licence Holder representation to Members of the Sub-Committee, prior to the hearing.

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

The Licensing Officer introduced the report and outlined the salient points in relation to the application.

A representative from the Trading Standards responsible 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 illicit tobacco as part of the representations. In addition, during the presentation and with the agreement of all parties, copies of invoices were circulated at the meeting for Members' information.

The Premises Licence Holder and representatives acting on behalf of the Premises Licence Holder, 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.

#### 4. DURATION OF MEETING

RESOLVED that in accordance with Council Procedure Rule 33.1, the Sub-Committee having sat continuously for three hours, continued to consider the application.

The Sub-Committee considered the application for a Review of the Premises Licence for Lila Mini Market, 7 Bass Terrace, Thorne Road, Doncaster DN1 2HZ, 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:-

On 19th April 2018, the premises failed a test purchase of smuggled tobacco. It was submitted this was the one and only time this had occurred. The Sub-Committee noted that as well as this failed test purchase, that on 29th June an inspection found that the EPOS till system showed tobacco sales at a lower than expected value which leads the Sub-Committee to believe the ongoing sales of smuggled tobacco. The Sub-Committee were asked to consider the reason for this was that the premises had special offers on tobacco. The Sub-Committee does not believe this to be the case.

Trading Standards submitted that the CCTV was not in operation in accordance with the license conditions and this was accepted by the Premise Licence Holder. That being the case, it must be the premises were selling alcohol without the CCTV in operation in breach of the licence. The Sub-Committee was told that it was not until 6th December 2018 that the CCTV was finally operating in accordance with the conditions. Upon questioning, the Premise Licence Holder seemed to have no knowledge of the conditions on the licence and as the CCTV was not in operation, the Sub-Committee believes that the Premise Licence Holder was not operating the licence in accordance with the required conditions. In addition, it was admitted by the Premise Licence Holder that the premises were operating without a refusals book and neither were there any records of staff training. The Premise Licence Holder also admitted he was only in the premises 2-3 times a week and had not had the appropriate level of control over the premises. The Sub-Committee believes that these

are examples of poor management and are therefore, a direct reflection of poor practice and policy, and the Sub-Committee has found that the premises are trading irresponsibly and consider that there are no other steps that could be taken to ensure the licensing objectives are being promoted.

The Sub-Committee believes the Premise Licence Holder who is also the Designated Premises Supervisor has no control over the premises and further that premises have been trading irresponsibly. The Sub-Committee has noted the Home Office guidance which notes that the sale and storage of smuggled tobacco should be taken particularly seriously. The Sub-Committee has no confidence any conditions or other sanction will ensure that this will prevent the premises from trading irresponsibly and therefore, undermining the licensing objectives.

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

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