

Off-licence no longer able to sell alcohol

17 April 2008

A TOWN centre off-licence has had its alcohol licence revoked for repeatedly selling booze to children.

It is believed that `Silver Street' has become the first such outlet in South Yorkshire to have its licence revoked under new laws introduced last year to curb anti-social behaviour, police said.

Between October and February the off-licence in Silver Street failed four test purchases where police sent under age children into the shop to buy alcohol.

Three of the failures were in a three month period, which contravened section 147a of The Licensing Act 2003 by persistently selling alcohol to children.

The licence was revoked by Doncaster Council's licensing committee on Friday.

Coun Ken Keegan, committee chairman, said: "We have decided to revoke the licence as this is the only way to protect the children from harm."

The owner of Silver Street escaped prosecution last month after complying with a police order to close the shop for 48 hours.

If they had flouted the order they could have been fined £10,000 and had their licence revoked for three months.

The owner has 21 days to appeal against the council's decision and can continue to trade.

If they appeal a hearing will be held to determine whether the licence should remain permanently revoked.

PC Mark Satterley said: "The owner of the premises was given help and advice by the police over a two year period, but there was no improvement, therefore we had to proceed. Licence holders will be dealt with and closed if they continually breach the licensing act."

To the Chair and Members of the
LICENSING SUB-COMMITTEE B

LICENSING ACT 2003
APPLICATION FOR A REVIEW OF A PREMISE LICENCE
SILVER STREET OFF LICENCE, 17-19 SILVER STREET,
DONCASTER, DN1 1HG.

1. PURPOSE

1.1 To request that Members of the Sub-Committee determine the application for a Review from South Yorkshire Police for the Premises Licence in respect of Silver Street Off Licence, 17-19 Silver Street, Doncaster.

1.2 The procedure for considering the application is set out at Appendix A.

2. BACKGROUND INFORMATION

2.1 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 including a Review under the Act made to the Licensing Authority is to be determined by the Licensing Act 2003 Sub-Committee having regard to the evidence before it.

3. DETAILS OF APPLICATION

4.1 The application for Review is in respect of Silver Street Off Licence, 17-19 Silver Street, Doncaster. This Application for Review was made by South Yorkshire Police on the 21st February 2008.

4.2 Ali Rizza Gul is the Premise Licence Holder and Kashmir Yilmaz is the Designated Premise Supervisor.

4.3 The application for review relates to the following licensing objective -

Prevention of Crime and Disorder.

Protection of Children from Harm

4.4 The application for Review is attached as Appendix B to this report.

4.5 A copy of the existing Premise licence is attached as Appendix C to this report.

4. REPRESENTATIONS

4.1 South Yorkshire Police has certified that a copy of the Application for Review was sent to all 'responsible authorities'.

4.2 The Licensing Authority has received no other representation from any of the 'responsible authorities'.

4.3 A Public Notice as required by the Legislation was displayed on the Premise and at the Mansion House for the statutory period by the Licensing Department and no other direct representations have been received.

5. SITE PLAN

5.1 A plan of the premises is attached as Appendix D.

5.2 A site plan of the premises and the surrounding area is attached as Appendix E.

6 RECOMMENDATION

6.1 In relation to an application for the review of a premise licence the Sub-Committee can, under the Licensing Act 2003:

1. Modify the licence conditions
2. Exclude a licensable activity from the licence
3. Remove the Designated Premise Supervisor.
4. Suspend the licence for a period of not more than three months
5. Revoke the licence

6.2 The Sub-Committee should determine this application for review having regard to the representations made and the evidence before it

Author: Mark Smith

Date: 10/03/08

DONCASTER METROPOLITAN BOROUGH COUNCIL

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LICENSING SUB-COMMITTEE (B)

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11TH APRIL 2008

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A MEETING of the LICENSING SUB-COMMITTEE (B) was held at the MANSION HOUSE, DONCASTER on FRIDAY 11TH APRIL 2008 at 10.00am.

PRESENT :

Chair – Councillor Ken Keegan

Councillors Sue Phillips and Cynthia Ransome.

1. DECLARATIONS OF PERSONAL OR PREJUDICIAL INTEREST, IF ANY

No declarations were made at the meeting.

2. APPLICATION FOR A REVIEW OF PREMISES LICENCE – SILVER STREET OFF LICENCE, 17-19 SILVER STREET, DONCASTER

The Sub-Committee considered the Application for a Review of a Premises Licence for the Silver Street Off Licence, 17-19 Silver Street, Doncaster following representation from South Yorkshire Police.

The Sub-Committee, the Premise Licence Holder and his representative, South Yorkshire Police and Officers 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. Representatives from South Yorkshire Police addressed the Sub-Committee and answered questions. The Premises Licence Holder's representative then addressed the Sub-Committee and answered questions.

The Premise Licence Holder and other parties were then asked to leave the room whilst the Sub-Committee deliberated on the application and reached a decision.

RESOLVED that Licensing Sub-Committee (B) having considered the Application for a Review of the Premise Licence for the Silver Street Off Licence, 17-19 Silver Street, Doncaster and having taken into account the Application and the evidence presented today, have decided to revoke the licence.

The Sub-Committee made its decision for the following reason:-

That the licensing objective of prevention of children from harm can only be met by revocation.

The meeting was adjourned for 20 minutes to allow the parties for Agenda Item 2 to arrive.

The meeting reconvened at 11.20 am.