

LICENSING SUB-COMMITTEE
Monday, 8th January, 2018

Present:- Councillor Ellis (in the Chair); Councillors Beaumont and Williams.

**13. CLUB/PREMISES CERTIFICATE (LICENSING ACT 2003) -
KIMBERWORTH LATE SHOPPER, 202 KIMBERWORTH ROAD,
KIMBERWORTH**

Consideration was given to an application for the review of a premises licence in accordance with the provisions of Section 51 of the Licensing Act 2003, in respect of the premises known as the Kimberworth Late Shopper, 202 Kimberworth Road, Kimberworth, Rotherham.

The Licensing Authority received representations made by the Borough Council's Licensing Enforcement Unit (as a responsible authority), which had not been withdrawn, and the Sub-Committee considered those representations.

No representative of the premises had attended this hearing.

The Sub-Committee heard the representations from Mr. C. Burnett (Licensing Enforcement Officer), on behalf of the Borough Council. The subject premises were a medium-sized off-licence situated within a residential area and the premises licence permitted the sale by retail of alcohol, from 0700 hours to 2200 hours daily, for consumption off the premises.

Members were informed of the details of the specific concerns in respect of the management of these premises:-

(i) The Trading Standards and Environmental Health joint investigations into the alleged illicit sales of cigarettes and rolling tobacco (reference was also made to the relevant Home Office guidance issued under Section 182 of the Licensing Act 2003);

(ii) It appeared that the Premises Licence holder no longer had any interest in the premises, nor any active involvement in the management of the premises;

(iii) Investigations had revealed that the person recorded as the Designated Premises Supervisor had ceased any active involvement in the management of the premises; it was reported that during 2013 this person had been the subject of an investigation as an alleged illegal worker, although subsequently had been granted leave to remain within the United Kingdom;

(iv) The persons currently managing the premises had been unable to produce the premises licence; neither was any copy of the premises

licence on display at the premises; and

(v) The Challenge 25 scheme (relating to the sale of alcohol) was not being operated at these premises; there were no signs displayed about this scheme, no refusals log, nor maintenance of staff training records.

Members noted that there had been no notification to the Borough Council (as Licensing Authority) of any transfer of ownership of the business, nor of any transfer of the premises licence, nor of any change in the person recorded as the Designated Premises Supervisor. Consequently, it was highly unlikely that the premises could be operating correctly in accordance with the provisions of the Licensing Act 2003.

The Sub-Committee considered the application for this review of the premises licence and the representations made specifically in the light of the following Licensing objectives (as defined in the 2003 Act):-

- The prevention of crime and disorder;
- Public safety;
- The protection of children from harm.

Additionally, the Sub-Committee was made aware that the joint investigations might ultimately reveal other matters which might require consideration and decision by Elected Members of the Licensing Authority, in accordance with the provisions of the Licensing Act 2003. The appropriate officers were asked to prepare appropriate reports for consideration by the Licensing Committee and/or the Licensing Sub-Committee should any such matters eventually come to light.

Resolved:- That the premises licence for the premises known as the Kimberworth Late Shopper, 202 Kimberworth Road, Kimberworth, Rotherham, be revoked with immediate effect.