

LICENSING SUB-COMMITTEE
Monday 21 December 2020

Present:- Councillor Beaumont (in the Chair); Councillors Buckley and Russell.

16. LICENSING ACT 2003 - CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.17 OF THE LICENSING ACT 2003) FOR THE GRANT OF A PREMISES LICENCE FOR FERHAM SUPERMARKET, 192 FERHAM ROAD, ROTHERHAM, S61 1DZ

The Sub-Committee had met originally on 8th December, 2020, to consider the application but had been adjourned in order to secure the services of an official interpreter to ensure a fair hearing for the applicant.

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 Ferham Supermarket, 192 Ferham Road, 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made by the Borough Council's Licensing Enforcement Unit (as a responsible authority), which had not been withdrawn and the Sub-Committee considered those representations.

Mr. A. Jawad, applicant/proposed Designated Premises Supervisor, was in attendance together with Mohammad Imran. Also in attendance was Mr. M. Kareen, an official interpreter.

A Premises Licence had previously been in effect at the premises, however, this was revoked by the Licensing Sub-Committee on 8th July, 2019, as a result of a review of the licence by the Council's Licensing Service following the discovery of a significant quantity of illicit tobacco at the premises.

The applicant was seeking authority for the following licensable activities to take place at the premises:-

- Retail sale of alcohol (for consumption off the premises only) between the hours of 0800 hours and 2300 hours Monday to Sunday

The opening times of the premises were 0800 hours to 2300 hours Monday to Sunday.

The Sub-Committee heard the representations from Mrs. K. Ladlow, Senior Licensing Enforcement Officer, on behalf of the Licensing Service citing the following concerns:-

The application had been submitted for a Premises Licence for a shop unit which currently traded as a convenience store. The premises would

be open daily for customers to purchase goods and alcoholic beverages and requested the sale of alcohol for consumption off the premises Monday to Sunday 0800 to 2300 hours. The representation cited the following concerns:-

- The unauthorised sale of alcohol from the premises
- The sale of alcohol to children.

The premises had previously had a Premises Licence for the sale of alcohol for consumption off the premises, held by the previous owner of the premises, which was revoked in July, 2019. The Premises Licence holder at the time was made aware of the decision to revoke the Licence

Licensing Officers visited on 9th October, 2020, having becoming aware that the premises may have been selling alcohol without a Premises Licence. Mr. Jawad had stated that he was the manager of the premises and ran the business on behalf of the business owner (the previous owner). Although he could not remember how long he had been manager, Mr. Jawad confirmed that he had been managing the business throughout 2020. The premises had been heavily stocked with alcoholic products and when questioned confirmed that alcohol sales made up a large percentage of the business sales overall. Mr. Jawad accepted that alcohol had been sold.

Mr. Jawad, applicant, and his supporter addressed the concerns raised by the objector.

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

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Resolved:- That, after due consideration, the application be refused.