

LICENSING SUB-COMMITTEE
28th June, 2021

Present:- Councillor Ellis (in the Chair); Councillors Jones and Clark.

**LICENSING ACT 2003 -CONSIDERATION OF AN APPLICATION
(MADE IN ACCORDANCE WITH S.51 OF THE LICENSING ACT 2003)
TO REVIEW THE PREMISES LICENCE IN PLACE AT BRAMPTON
LOCAL SHOP, 103 KNOLLBECK AVENUE, BRAMPTON BIERLOW,
ROTHERHAM, S73 0UB**

Consideration was given to an application for the review of a Premises Licence in accordance within the provisions of Section 51 of the Licensing Act 2003, in respect of the premises known as Brampton Local, Rotherham S73 0UB. The licence had been in place since 15th August, 2013.

Ms. S. Hussain (Premises Licence Holder, and Designated Premises Supervisor) was in attendance at the meeting. She was assisted in the meeting by Mr. Mahmood, interpreter.

The Licensing Authority received representations made by Rotherham Council's Licensing Service (acting in its role as a Responsible Authority under the Licensing Act 2003) which had not been withdrawn and the Sub-Committee considered those representations.

The premises had the benefit of a Premises Licence issued under the Licensing Act 2003 which permitted the sale of alcohol for consumption off the premises only.

Following the submission of a review application and within the prescribed period of 28 days, additional information relating to the premises had been provided by South Yorkshire Police.

In light of the sensitive nature of the additional information provided by South Yorkshire Police, there was an application for the information to be heard in private session. The Sub-Committee agreed to hear the representations in private session.

Upon conclusion of the presentation of Police information, the Sub-Committee reverted to open session.

The application to review the premises licence was submitted on the grounds that the Premises Licence Holder was failing to properly promote 2 of the licensing objectives namely public safety and the protection of children from harm.

As a result of information received, Police Officers had attended the premises on 1st June, 2020, and found one member of staff present who

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appeared to be under the influence of alcohol. Ms. Hussain, the Premises Licence Holder and the Designated Premises Supervisor, was not present. The member of staff provided a contact number for a male he stated was the business owner. However, upon speaking to the male, it transpired that he was the manager of the premises but knew little about the member of staff as he only saw him when he opened and closed the shop each day.

Following information from the Police on 3rd June, 2020, the Licensing Service contacted the manager of the premises, Mr. Hassan Zakira, the following day who was reluctant to speak with Licensing Officers or discuss the premises/his involvement. After initially denying a visit by the Police, he accepted they had visited/contacted him to make him aware of the situation. He stated that the member of staff worked alone for most of the day, however, he saw him for an hour each morning and afternoon. The manager stated he managed the day-to-day running of the business and managed all staff employed to work there.

Mr. Zakira provided the name of the business owner, Mr. Ashfaq Ahmad, but advised that he was currently out of the country; he did not know who the Premises Licence Holder or the Designated Premises Supervisor were. When questioned as to who was authorising the sale of alcohol from the premises currently, he believed it was him but was not sure and asked what authorising sales meant.

He provided a first name of the person he believed to be the Premises Licence Holder who went to the premises once a day to take the cash away and send to the business owner. However, he could not provide a full name for her or a contact number.

Licensing Officers spoke with Ms. Hussain, Premises Licence Holder, by telephone on 4th June, 2020, who stated that the premises were under control with no underage sales made. She advised that the “manager” (Mr. Zakira) was not the manager and was in fact employed to go to the cash and carry. Ms. Hussain stated that her role was to carry out the stocktake, write the list for the cash and carry and cash up weekly. She did not refer to herself as being the Premises Licence Holder or the Designated Premises Supervisor.

Mr. Ahmad employed staff to work at the premises and managed them; she was only notified of their employment. If there was a problem it was for Mr. Ahmad to sort not her. She knew the employee concerned had issues with alcohol.

During the call specific questions relating to challenging persons who appeared to be underage, refusing sales, staff training and authorising the sales of alcohol were asked of Ms. Hussain. The responses received evidenced a lack of control of the premises and understanding of being a Premises Licence Holder. It was stated that staff training had been

undertaken but that it had been verbal nor was written authority in place authorising staff members to sell alcohol in her absence.

A visit had been made to the premises by Licensing Officer on 30th July, 2020. Only one member of staff had been working and appeared to be heavily under the influence of alcohol. No answers could be provided with regard to either Challenge 21 or Challenge 25 and unsatisfactory responses provided relating to the sale of alcohol/cigarettes to someone who did not look 18 years of age.

There was no refusals register kept or staff training records. He advised that the training he had received had consisted of being shown how to use the till. He did not know who the Premises Licence Holder was or what a Designated Premises Supervisor was nor did he have an understanding of challenging underage sales/refusing or proxy sales.

The premises had a CCTV system fitted with multiple cameras, however, the member of staff did not know how to operate it.

Licensing Officers requested sight of the written authority provided by the Premises Licence Holder and Designated Premises Supervisor to authorise him to sell alcohol on her behalf. Officers were advised that there was no written authority and he had been told by the business owner to work there and sell whatever customers wanted to purchase.

During the visit Licensing Offices also identified that no measures had been put in place at the premises to reduce the risk to the public of Covid-19.

Ms. Hussain, with the assistance of the interpreter, refuted a number of the allegations. She stated that, following a visit by the Council's Covid Enforcement Officer, there was now Covid-19 signage displayed in the premises as well as sanitiser. The gentleman who had been working in the shop and found to be under the influence of alcohol had been sacked. Ms. Hussain was in charge of the hiring of and dismissal of staff. Things were very different in 2021 to what they had been in 2020. However, training was conducted verbally and there were no written records of such.

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):-

- Public safety.
- The protection of children from harm.

Resolved:- That, after due consideration of the application for review and to the representations submitted, the premises licence for the premises known as Brampton Local, Rotherham, be revoked with immediate effect.