

## LICENSING SUB-COMMITTEE

**Venue:** Rotherham Town Hall,  
Moorgate Street,  
Rotherham. S60 2 TH

**Date:** Monday 28 June 2021

**Time:** 1.30 p.m.

### A G E N D A

1. To determine whether the following items should be considered under the categories suggested in accordance with Part 1 of Schedule 12A (as amended March 2006) of the Local Government Act 1972.
2. To determine any item(s) which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. 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 (Pages 3 - 41)

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- Meeting rooms and the Council Chamber will be sanitised before and after every meeting.
- Follow the one-way systems in place.
- Only one person (and their carer) should use a lift at a time.
- Get tested regularly, either at home or by booking a test at Riverside Lateral Flow Test Site.
- If you have any symptoms of COVID-19, stay at home and order a test.

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[www.rotherham.gov.uk/coronavirus](http://www.rotherham.gov.uk/coronavirus)

### **Committee Name and Date of Committee Meeting**

Licensing Sub-Committee – 28<sup>th</sup> June 2021 (1:30 pm)

### **Report Title**

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.

### **Report Author(s)**

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene  
01709 254955

### **Report Summary**

On the 26<sup>th</sup> April 2021, Rotherham MBC Licensing Service (acting in its role as a Responsible Authority under the Licensing Act 2003) made an application to review of the Premises Licence in place at Brampton Local Shop, 103 Knollbeck Avenue, Brampton Bierlow, Rotherham, S73 0UB. The premises is licensed for the sale of alcohol for consumption off the premises only.

The review application was submitted following an investigation into a complaint and information from South Yorkshire Police that indicated poor management control at the premises.

Additional information has been provided by South Yorkshire Police in relation to their interaction with the premises – however a request has been made for this information to be considered in private session (due to its sensitive nature). Further information will be provided in relation to this at the hearing.

## **Recommendations**

1. That the Licensing Sub-Committee considers the information contained within this report (and associated appendices) along with any additional information presented at the hearing and subsequently determines the application that has been made.
2. The Licensing Sub-Committee should inform the Licensing Manager of the decision in accordance with the requirements of the Licensing Act 2003 and Regulations made thereunder.

## **List of Appendices Included**

- Appendix 1 Location details
- Appendix 2 Premises Licence P0960
- Appendix 3 Review application form
- Appendix 4 Additional information from Rotherham MBC Licensing Authority (acting in the role of a Responsible Authority under the Licensing Act 2003)

## **Background Papers**

Rotherham MBC Statement of Licensing Policy 2020 -2025  
(available at [www.rotherham.gov.uk/licensing](http://www.rotherham.gov.uk/licensing))

Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)  
(available at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)

## **Council Approval Required**

No

## **Exempt from the Press and Public**

No

**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.**

**1. Background**

- 1.1 Brampton Local Shop is located on Knollbeck Avenue, Brampton Bierlow, Rotherham and is an licensed general grocer attracting a mainly local trade. Further details on the location of the premises can be found at Appendix 1.
- 1.2 The premises currently has the benefit of a Premises Licence issued under the Licensing Act 2003 (licence number P0916). The licence permits the sale of alcohol for consumption off the premises only. A copy of the Premises Licence is attached to this report as Appendix 2.
- 1.3 On 26th April 2021, Rotherham MBC's Licensing Service (acting in its role as a Responsible Authority under the Licensing Act 2003) submitted an application to review the Premises Licence. This application was submitted as a result of concerns around the management of the premises by the licence holder and DPS.
- 1.4 A copy of the review application form is attached as Appendix 3, additional information provided by the review applicant is attached as Appendix 4.
- 1.5 There is a prescribed period of 28 days following the submission of a review application during which time interested parties / responsible authorities may submit representations in relation to the application.
- 1.6 At the end of the prescribed period, additional information in relation to the premises had been provided by South Yorkshire Police. This information is sensitive and a request has been made for this information to be considered by the Sub-Committee in private session (i.e. with the public excluded from that part of the meeting).
- 1.7 Regulation made under the Licensing Act 2003 permit the exclusion of individuals from hearings, or conducting the hearing in private, if it is in the public interest to do so.
- 1.8 South Yorkshire Police will outline their reasons why they consider it to be in the public interest for the Committee to consider the information in private, and it will then be for the Committee to determine whether to do so or not. If the Committee decide that it is not in the public interest for the information to be considered in private, then South Yorkshire Police have asked for the information to be withdrawn from today's proceedings.
- 1.9 Legal advice will be available during the hearing to assist in the public interest determination should this be required.

## **2. Key Issues**

### The application

- 2.1 The application submitted by Rotherham MBC Licensing Service outlines concerns regarding the following matters:
  - 2.1.1 A lack of effective management control in relation to the operation of the premises.
  - 2.1.2 A general of the licence holder to adhere to the conditions attached to the Premises Licence.
- 2.2 Full details of the circumstances leading to the submission of the application to review the licence can be found at Appendices 3 and 4. In addition, the applicant will be in attendance at the hearing and will have the opportunity to further develop the above points and clarify any points or issues that may arise.

## **3. Options available to the Licensing Sub-Committee**

- 3.1 A licensing authority must carry out its functions under the Licensing Act with a view to promoting the licensing objectives:
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 3.2 In considering this matter, the Committee should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 3.3 The Sub-Committee must take steps that it considers appropriate for the promotion of the licensing objectives.
- 3.4 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 3.5 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition,

there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

- 3.6 However, where responsible authorities such as the Police or Environmental Health Officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 3.7 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption).
  - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management.
  - suspend the licence for a period not exceeding three months.
  - revoke the licence.
- 3.8 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 3.9 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

- 3.10 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 3.11 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.
- 3.12 All licensing determinations should be considered on the individual merits of the application. The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 3.13 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

#### **4. Consultation**

- 4.1 The application has been subject to the statutory consultation process involving the display of public notices in the vicinity of the site for 28 days.
- 4.2 Relevant ward members have been notified of the application and all statutory requirements in relation to notification requirements have been complied with.

## **5. Timetable and Accountability for Implementing this Decision**

- 5.1 Any decision made by the Licensing Sub-Committee does not have effect until:
- the end of the period given for appealing against the decision; or
  - if the decision is appealed, until the appeal is disposed of.
- 5.2 An appeal may be lodged by either the applicant or a party to the hearing that has made a relevant representation.
- 5.3 Parties to the hearing must be informed of the decision within 5 working days of the hearing (or within 5 working days from the last day of the hearing if it takes place over multiple days).

## **6. Financial Implications**

- 6.1 There are no specific financial implications arising from this application.
- 6.2 However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all of the costs incurred. The impact of these additional costs (if any) will therefore need to be met from within existing revenue budgets.

## **7. Legal Advice and Implications**

- 7.1 A Council Solicitor will be in attendance at the hearing to provide appropriate legal advice to the Licensing Sub-Committee in relation to specific aspects of the application / hearing, however the advice below is generally applicable to all applications.
- 7.2 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.
- 7.3 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.
- 7.4 The Panel may accept hearsay evidence and it will be a matter for the Licensing Sub-Committee to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

- 7.5 The Secretary of State's guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 7.6 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The guidance is therefore binding on all licensing authorities to that extent. However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 7.7 Departure from the guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

## **8. Risks and Mitigation**

- 8.1 The statutory requirements in relation to the consideration of this application are detailed in this report. It is essential that the Sub-Committee act in accordance with these statutory provisions and take account of statutory guidance.
- 8.2 Failure to do this exposes the Council to significant risk of legal challenge, the consequences of which could result in financial and / or reputational damage to the Council.
- 8.3 Members are therefore urged to fully consider the information in this report when making a decision regarding this application, and to ensure that any decision made is justifiable, proportionate and based on the promotion of one or more of the Licensing Objectives.
- 8.4 Council officers are present at the meeting today and can provide additional advice to members of the Sub-Committee should this be required. In addition, a copy of the statutory guidance is available for members to review should they wish to do so.

## **9. Accountable Officer(s)**

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene

This report is published on the Council's [website](#).

**Hearing Procedure – Review of Premises Licence**

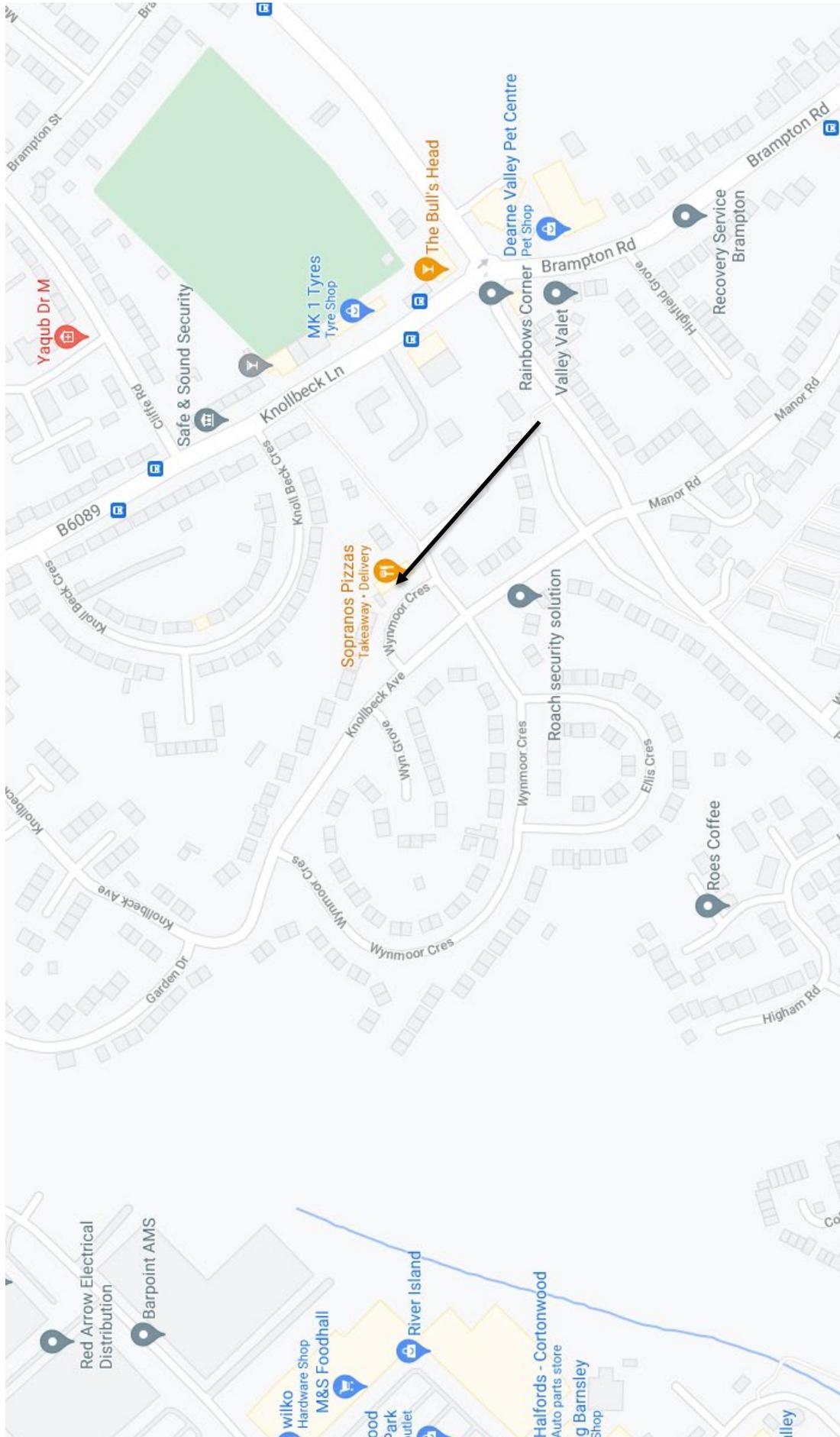
- 1 The Chair of the meeting will introduce the Committee and ask officers to introduce themselves.
- 2 The Chair will ask the other parties to the hearing to formally introduce themselves.
- 3 The Licensing Officer will outline the procedure to be followed at the hearing.
- 4 Hearing Procedure:-
  - i. The Licensing Officer will introduce the report.
  - ii. Questions concerning the report can be asked both by Members and the applicant.
  - iii. The Licensing Officer will introduce the applicant for the review (or the nominated representative) and invite them to detail the application and provide them with the opportunity to develop / clarify any of the matters raised as part of their application.
  - iv. The applicant for the review (or the nominated representative) may then be asked questions by members and, if agreed by the Chair, the licence holder and any other parties present.
  - v. The Licensing Officer will then introduce representatives for any Responsible Authorities that are a party to the hearing along with other Interested Parties in turn and each will be asked to detail their relevant representations. Following each submission, Committee members may ask questions of the Responsible Authority / Interested Party. If it is agreed by the Chair, the licence holder may also ask questions of those parties.
  - vi. The Premises Licence Holder (or their nominated representative) will then have the opportunity to make their submission in response to the matters raised by the other parties to the hearing. The licence holder may seek to provide further information / clarification to the Committee that will provide assurance that the licensing objectives are being adequately promoted, or may propose additional measures that will provide this assurance.
  - vii. Following this submission, Committee members may ask questions of the licence holder. If it is agreed by the Chair, the other parties to the hearing may also ask questions of the licence holder in relation to their submission.
  - viii. The applicant for the review will then be given the opportunity to sum up the application.

- ix. The licence holder will then be given the opportunity to sum up their submission in response to the review application.
  - x. The Licensing Officer will then detail the options.
  - xi. There will then be a private session for members to take legal advice and consider the application.
- 5 The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.

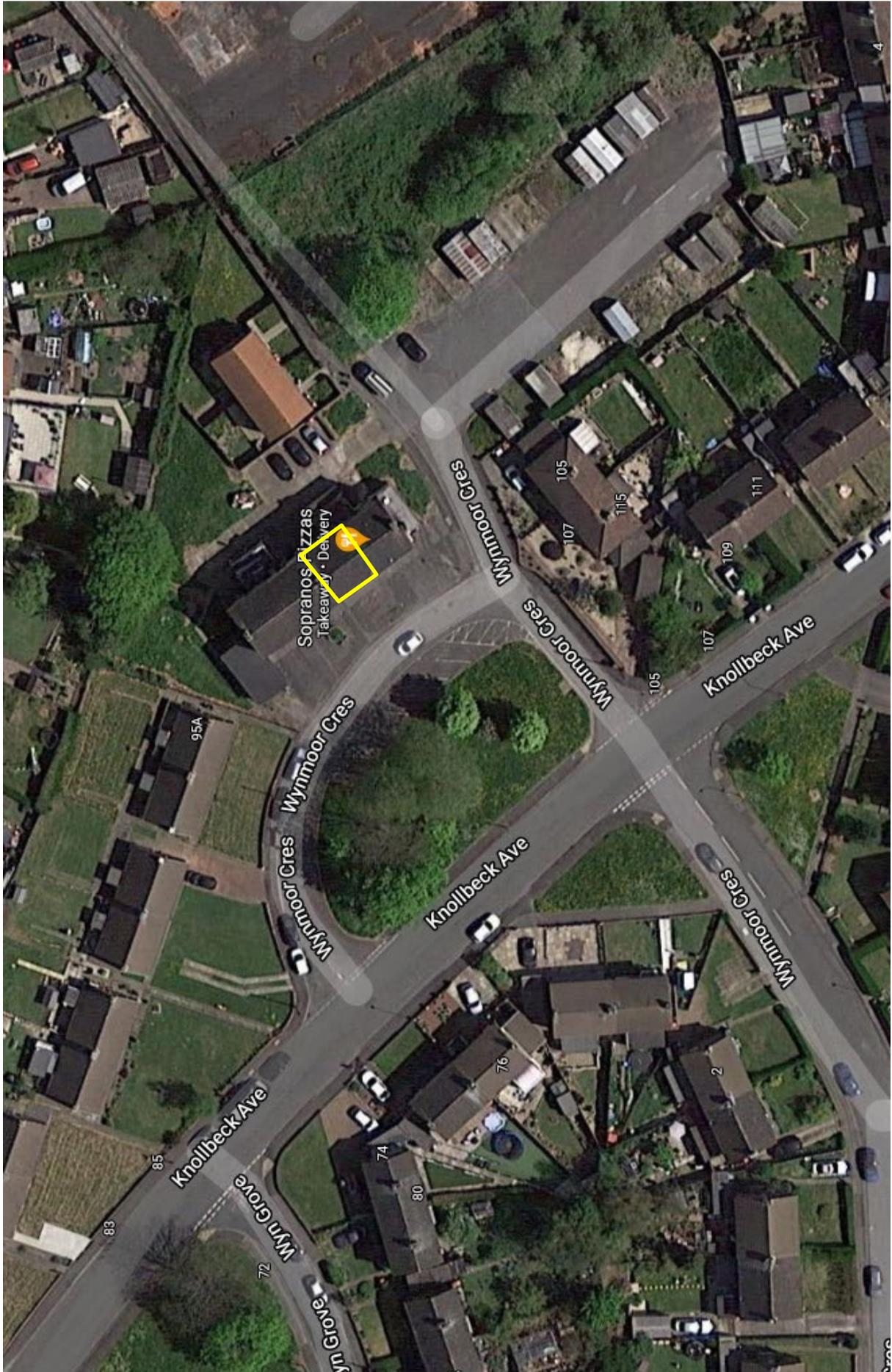
**Notes:**

- At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
- The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

# APPENDIX 1



# APPENDIX 1



# APPENDIX 1



**APPENDIX 2**
**Licensing Act 2003**  
**Premises Licence**
**P0916**

## Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION****Brampton Local Shop**

103 Knollbeck Avenue, Brampton, Rotherham, South Yorkshire, S73 0UB.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- the sale by retail of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	8:00am	10:00am

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Sunday	8:00am	10:00am

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- The sale by retail of alcohol for consumption OFF the premises only

## Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Saima Hussain

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)****NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Saima HUSSAIN

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Licence No. RM2126

Issued by Rotherham



**Licensing Act 2003**  
**Premises Licence**
**P0916****ANNEXES****Annex 1 Mandatory Conditions**

- 1 No supply of alcohol may be made under the premises licence:-
- a** at a time when there is no designated premises supervisor in respect of the premises licence,
- or
- b** at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

**Annex 2 Conditions consistent with operating schedule****Prevention of Crime and Disorder**

1. The licence holder shall ensure that CCTV is installed at the premises and maintained in working order at all times.

**Public Safety**

2. The licence holder shall ensure that all fire risk assessments are in place and kept up to date.

**Prevention of Public Nuisance**

- 3 The licence holder shall ensure that any groups of people congregating outside the premises are moved on.

**Protection of Children from Harm**

- 4 The licence holder shall operate the 'Challenge 25' proof of age scheme.
- 5 The licence holder shall maintain a refusals register which shall be made available for inspection upon request by an authorised officer of the Council or Police.

**Annex 3 Conditions attached after a Hearing of Licensing Authority**

None.



# APPENDIX 2

## Licensing Act 2003 Premises Licence

P0916

ANNEXES continued ...

### Annex 4 Plans

See attached.



**APPENDIX 2**

## Licensing Act 2003

# Premises Licence Summary P0916

## Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION****Brampton Local Shop**

103 Knollbeck Avenue, Brampton, Rotherham, South Yorkshire, S73 0UB.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- the sale by retail of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	8:00am	10:00am

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Sunday	8:00am	10:00am

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- The sale by retail of alcohol for consumption OFF the premises only

**NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE**

Saima Hussain

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)****NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Saima HUSSAIN

**STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED**

None



**APPENDIX 3***Rotherham Metropolitan Borough Council***Application for the review of a premises licence or club premises certificate under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I Keeley Ladlow, Principal Licensing Officer, Rotherham MBC***(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Brampton Local Shop 103 Knollbeck Avenue Brampton	
<b>Post town</b> Rotherham	<b>Post code (if known)</b> S73 0UB

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Miss Saima Hussain
-------------------------------------------------------------------------------------------------------------------

<b>Number of premises licence or club premises certificate (if known)</b> PO916
------------------------------------------------------------------------------------

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

# APPENDIX 3

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**APPENDIX 3****(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Keeley Ladlow Principal Licensing Officer Rotherham Metropolitan Borough Council Main Street Rotherham S60 1AE
Telephone number (if any) <b>01709 822346</b>
E-mail address (optional) <a href="mailto:Keeley.ladlow@rotherham.gov.uk">Keeley.ladlow@rotherham.gov.uk</a>

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

**APPENDIX 3**

**Please state the ground(s) for review** (please read guidance note 2)

Application is made under Section 51 of the Licensing Act 2003 for a full review of the premises licence in relation to a premises known as Brampton Local Store, 103 Knollbeck Avenue, Rotherham, S73 0UB.

The application seeks a revocation of the premises licence on the grounds that the premises licence holder is failing to properly promote two of the licensing objectives, namely public safety and the protection of children from harm.

The grounds for the application are as follows

The premises are a medium sized premise licensed for the sale of alcohol for consumption off the premises. The licence has been in place since 15<sup>th</sup> August 2013.

On 2<sup>nd</sup> December 2015 the premises licence was transferred to the current remises licence holder.

On 1<sup>st</sup> June 2020 as a result of information received South Yorkshire Police officers attended the premises. One member of staff was present at the premises and appeared to be under the influence of alcohol. The staff member is described as smelling of alcohol talking and appearing drunk, concerned and confused.

The premises licence holder who is also the Designated Premises Supervisor was not present. The staff member provided Police Officers with a contact number for a male he stated was the owner of the business.

Police Officers spoke with the male who stated he was the Manger of the premises and was made aware of concerns regarding the intoxicated state of the member of staff. The Manager informed Police Officers he knew little about the member of staff as he only sees him when he opens and closes the premises each day.

Police Officers informed the licensing service on 3<sup>rd</sup> June 2020. On 4<sup>th</sup> June 2020 licensing officers contacted the male identifying as the manger of the premises by telephone. Throughout the call he was reluctant to speak with licensing officers and reluctant to discuss the premises or his involvement.

During the call it was stated by the manager that Police Officers had not attended the premises and no concern had been raised. When challenged the manager provided a different account, accepting that Police Officers had attended the premises and had contacted him by phone during the visit to make him aware the lone member of staff appeared under the influence of alcohol. The manager stated he had not been at the premises at the time of the visit however the member of staff who appeared drunk is an alcoholic who he knows consumes alcohol before starting work each day.

It was stated that this member of staff works alone for most of the day however the manager sees him for an hour each morning and an hour each afternoon.

The manager stated he manages the day to day running of the business and manages all staff employed to work there.

When asked who the owner of the business was the manager provided a name and advised he is currently out of the country. The manager did not know who the premises licence holder is when asked nor did he know who the Designated Premises Supervisor is. The manager further asked what a Designated Premises Supervisor was stating he didn't know. When questioned as to who was authorising the sale of alcohol from the premises currently the manager stated he believed it was him, but he wasn't sure and asked what authorising sales meant.

The manager did then provide a first name of the person he believed to be the premises licence holder stating she comes to the premises once a day to take the cash away and send it to the

**APPENDIX 3**

business owner. When asked he could not provide a full name for her or a contact number stating he did not have one. When asked what the premises licence holder does at the premises it was stated she is named on the licence but only collects the money as the business owner runs the business and employs the staff but he manages it on a day to day business for him.

On 4<sup>th</sup> June 2020 licensing officers spoke with the premises licence holder by telephone. She was very quick to say the premises are under control, no sales are made to persons under the age of 18 and that she visits the premises a couple of times each week. It was stated that the manager of the premises had contacted her by phone immediately after the call from licensing officers to advise her of the contact that had been made with him.

When asked what the manager does at the premises, she advised that he wasn't in fact the manager but was employed to go to the cash and carry as she can't go herself. She advised that she was named on the premises licence but wasn't the business owner stating the business owner is currently out of the country and it is he who runs the business and employs staff at the premises.

When questioned as to what her role within the business was, she stated she is the person who does the stock take, writes the list for the cash and carry and cashes up weekly sending the money to the business owner. It was stated the business owner usually opens and closes the premises but when he is out of the country the person responsible for going to the cash and carry does it. No reference was made by the premises licence holder to her being the licence holder or Designated Premises Supervisor.

It was stated that the business owner employs staff to work at the premises and manages them only notifying her of their employment. When asked what she would do if she had concerns about a member of staff, she stated that would be for the business owner to sort and not her.

The premises licence holder stated she was aware of Police Officers visiting the premises and that concerns had been raised regarding the member of staff being under the influence of alcohol. She stated that he had been employed by the business owner and not her, however she knew that he was an alcoholic and worked at the premises alone. It was stated that he isn't usually under the influence of alcohol during the day and she has told him not to drink whilst working at the premises however knows he drinks heavily during the evening.

When questioned the premises licence holder described the member of staff as a nice man stating she has no intention of taking any form of action in relation to his drinking or employment at the premises.

To ascertain the premises licence holders' level of involvement and control of the premises specific questions relating to challenging persons who appeared to be underage, refusing sales, staff training and authorising the sales of alcohol were asked by licensing officers. The responses received to these questions evidenced a lack of control of the premises and understanding of being a premises licence holder. It was stated that staff training may have been undertaken however this was verbally and she could not recall what had been discussed or if staff members had been trained. It was further stated that there was no written authority in place authorising staff members to sell alcohol in her absence.

On 30<sup>th</sup> July 2020 licensing officers carried out a visit at the premises, during the visit only one member of staff was working. Upon officers entering the premises the member of staff who was behind the counter stood and proceeded to fall towards the counter. Officers spoke to the member of staff who appeared to hold onto the counter to steady himself, he appeared to be heavily under the influence of alcohol. When speaking his speech was slurred, he swayed when he stood and could not walk behind the counter without stumbling.

Licensing officers asked the member of staff what challenge scheme the premises operate and were asked in return what a challenge scheme is. Upon being asked if the premises operate challenge 21 or challenge 25 he again asked what they were saying he didn't understand and was

**APPENDIX 3**

only employed to sell alcohol and store goods. He was asked what he would do if someone asked to buy alcohol or cigarettes and didn't look old enough, he stated if the person looks 18, he sells the item. If the person doesn't look 18 sometimes he asks for ID but sometimes forgets and sells the item to them without asking, when questioned further he stated if the customer doesn't have ID he sells the alcohol to them anyway so not to inconvenience them.

Licensing officers asked to see the refusals register and were informed that there isn't a log of refusals or challenges as he has never been told to write it down anywhere.

The member of staff was asked who the premises licence holder is, he stated he didn't know and officers would need to ask the business owner. When asked who the Designated Premises Supervisor of the premises is he asked what a DPS was and again stated officers would need to ask the business owner who is out of the country.

Licensing Officers provided the name of the premises licence holder to the member of staff asking if he knew who she was. He stated he didn't know this person and officers would need to ask the business owner who she was when he returned to the UK.

The premises has a CCTV system fitted with multiple cameras installed, licensing officers asked the member of staff to operate the system to confirm it was working but he stated he did not know how to work it and officers would need to ask the business owner when he returns to the UK.

Licensing officers asked to see staff training records, the member of staff stated there were no records that he knew of. When asked what training he had received he stated he had been shown how to work the till and that was all. He was asked if he had been trained in challenging persons who appeared to be underage, refusing sales and proxy sales and stated he did not understand what any of those meant.

Licensing officers asked to see written authority provided by the premises licence holder and DPS to authorise him selling alcohol on her behalf. Officers were advised that there was no written authority and he hadn't been authorised as such but had been told by the business owner to work there and sell whatever customers wanted to purchase.

During the visit licensing officers further identified no measures had been put in place at the premises to reduce the risk to the public of Covid – 19.

# APPENDIX 3

**Please provide as much information as possible to support the application** (please read guidance note 3)

Detailed as above.

# APPENDIX 3

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

# APPENDIX 3

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature  .....

Date **26<sup>th</sup> April 2021** .....

Capacity **Principal Licensing Officer, Rotherham MBC** .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**Witness Statement**

(Criminal Procedure Rules, r27.2;  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

**APPENDIX 4**

STATEMENT OF: ...Keeley Louise Ladlow.....

Age if under 18: ..... Over 18 Occupation.....Principal Licensing Officer ....

This statement, consisting of.....6..... Page(s) signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.



Date the...28th..... day of.....May.....2021

I am the above named person and currently employed as Principal Licensing Officer operating from Riverside House the offices of Rotherham Metropolitan Borough Council. I have been employed as an Enforcement Officer since 2015 and latterly the Principal Officer, my duties include liaising with Hackney Carriage and Private Hire Drivers, overseeing investigations concerning Private Hire and Hackney Carriage Drivers, vehicles, Private Hire Operators and licensed premises.

I make this statement by way of an overview statement in addition to my previous statements in respect of the review of a premises licence for a premises known as Brampton Local Shop, 103 Knollbeck Avenue, Brampton.

Application is made under section 51 Licensing Act 2003 for a review of the premises following information received from South Yorkshire Police and visits undertaken to the premises by Licensing Officers.

The application seeks a revocation of the premises licence on the grounds that the premises licence holder is failing to properly promote two of the licensing objectives, namely public safety and the protection of children from harm. Licensing Officers are of the view that Ms Hussain does not have sufficient involvement in the management or day to day running of the premises and have concerns relating to her suitability to uphold the licensing objectives.

The premises are a medium sized premise licensed for the sale of alcohol for consumption off the premises. The licence has been in place since 15th August 2013.

On 2nd December 2015 the premises licence was transferred to the current premises licence holder, Ms Saima Hussain. Since 2<sup>nd</sup> December 2015 Ms Hussain has been both the premises licence holder and designated premises supervisor.

On 1st June 2020 as a result of information received South Yorkshire Police officers attended the premises. One member of staff was present at the premises and appeared to be under the influence of alcohol. The staff member is described as smelling of alcohol talking and appearing drunk and confused.



SIGNED..... WITNESSED.....

**Witness Statement**

(Criminal Procedure Rules, r27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

**APPENDIX 4**

Continuation of Statement of.....KEELEY LOUISE LADLOW.....

Ms Hussain who is also the Designated Premises Supervisor of the premises was not present. The staff member provided Police Officers with a contact number for a male he stated was the owner of the business, his name was provided as Hassan Zakira.

Police Officers spoke with Hassan Zakira who stated he was the manger of the premises and was subsequently made aware of concerns regarding the intoxicated state of the member of staff. Hassan Zakira informed Police Officers he knew little about the member of staff as he only sees him when he opens and closes the premises each day.

Police Officers informed the licensing service by email on 3rd June 2020, two witness statements have since been provided and are attached to the sub-committee report. This email was directed to the Licensing Manager, Alan Pogorzelec who made me aware of the Police Officers concerns.

On 4th June 2020 I contacted Hassan Zakira by telephone. Throughout the call he was reluctant to speak with me and reluctant to discuss the premises or his involvement.

During the call it was stated by Hassan that Police Officers had not attended the premises and no concern had been raised. When challenged he provided a different account, accepting that Police Officers had attended the premises and had contacted him by phone during the visit to make him aware the lone member of staff which appeared under the influence of alcohol. Hassan stated he had not been at the premises at the time of the visit however the member of staff who appeared drunk is an alcoholic who he knows consumes alcohol before starting work each day.

It was stated that this member of staff works alone for most of the day however he sees him for an hour each morning and an hour each afternoon.

Hassan stated he manages the day to day running of the business and manages all staff employed to work there.

When asked who the owner of the business was Hassan provided the name Ashfaq Ahmad and advised he is currently out of the country. Hassan stated he did not know who the premises licence holder is when asked nor did he know who the Designated Premises Supervisor is. Hassan further asked what a Designated Premises Supervisor was stating he didn't know. When questioned as to who was authorising the sale of alcohol from the premises currently Hassan stated he believed it was him, but he wasn't sure and asked what authorising sales meant.

Hassan latterly provided a first name of the person he believed to be the premises licence holder stating it is Saima and she visits the premises once a day to take the cash away and send it to the business owner, Ashfaq Ahmad. When asked he could not provide a full name for her or a contact number stating he did not have one. When asked what the premises licence holder does at the premises it was stated she is named on the licence but only collects the money as Ashfaq Ahmad runs the business and employs the staff but he manages the premises and staff on a day to day basis for him.

Further details of this call can be found in my statement dated 16<sup>th</sup> September 2020.

On 4th June 2020 I spoke with Saima Hussain by telephone. She was very quick to say the premises are under control, no sales are made to persons under the age of 18 and that she visits the premises a couple of times each week. It was stated that Hassan had contacted her by phone immediately after the call from licensing officers to advise her of the contact that had been made with him.



SIGNED..... WITNESSED.....

Witness Statement

(Criminal Procedure Rules, r27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

APPENDIX 4

Continuation of Statement of.....KEELEY LOUISE LADLOW.....

When asked what Hassan does at the premises, she advised that he wasn't in fact the manager but was employed to go to the cash and carry as she can't go herself. She advised that she was named on the premises licence but wasn't the business owner stating the business owner Mr Ahmad is currently out of the country and it is he who runs the business and employs staff at the premises.

When questioned as to what her role within the business was, she stated she is the person who does the stock take, writes the list for the cash and carry and cashes up weekly sending the money to Mr Ahmad. Saima stated the Mr Ahmad usually opens and closes the premises but when he is out of the country the person responsible for going to the cash and carry does it. No reference was made by Saima to her being the licence holder or Designated Premises Supervisor.

Saima stated Mr Ahmad employs staff to work at the premises and manages them only notifying her of their employment. When asked what she would do if she had concerns about a member of staff, she stated that would be for Mr Ahmad to sort and not her.

Saima stated she was aware of Police Officers visiting the premises and that concerns had been raised regarding the member of staff being under the influence of alcohol. She stated that he had been employed by Mr Ahmad and not her, however she knew that he was an alcoholic and worked at the premises alone. It was stated that he isn't usually under the influence of alcohol during the day and she has told him not to drink whilst working at the premises however knows he drinks heavily during the evening.

When questioned Saima described the member of staff as a nice man stating she has no intention of taking any form of action in relation to his drinking or employment at the premises.

To ascertain Ms Hussain's level of involvement and control of the premises I asked specific questions relating to challenging persons who appeared to be underage, refusing sales, staff training and authorising the sales of alcohol. The responses received to these questions evidenced a lack of control of the premises and understanding of being a premises licence holder. It was stated that staff training may have been undertaken however this was verbally and she could not recall what had been discussed or if staff members had been trained. It was further stated that there was no written authority in place authorising staff members to sell alcohol in her absence, although having written authority in guidance it is deemed to be best practice.

On 30th July 2020 I carried out a visit at the premises, during the visit only one member of staff was working. Upon entering the premises, the member of staff who was behind the counter stood and proceeded to fall towards the counter. I spoke to the member of staff who held onto the counter to steady himself, he appeared to be heavily under the influence of alcohol. When speaking his speech was slurred, he swayed when he stood and could not walk behind the counter without stumbling.

I asked the member of staff what challenge scheme the premises operate and was asked in return what a challenge scheme is. Upon being asked if the premises operate challenge 21 or challenge 25 he again asked what they were saying he didn't understand and was only employed to sell alcohol and general store goods. He was asked what he would do if someone asked to buy alcohol or cigarettes and didn't look old enough, he stated if the person looks 18, he sells the item.



SIGNED..... WITNESSED.....

**Witness Statement**

(Criminal Procedure Rules, r27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

**APPENDIX 4**

Continuation of Statement of.....KEELEY LOUISE LADLOW.....

If the person doesn't look 18 sometimes he asks for ID but sometimes forgets and sells the item to them without asking, when questioned further he stated if the customer doesn't have ID he sells the alcohol to them anyway so not to inconvenience them.

I asked to see the refusals register and was informed that there isn't a log of refusals or challenges as he has never been told to write it down anywhere.

I asked who the premises licence holder is, he stated he didn't know and officers would need to ask the business owner. When asked who the Designated Premises Supervisor of the premises is he asked what a DPS was and again stated officers would need to ask the business owner who is out of the country.

I provided the name of the premises licence holder to the member of staff asking if he knew who Saima Hussain was. He stated he didn't know this person and officers would need to ask the business owner who she was when he returned to the UK.

The premises has a CCTV system fitted with multiple cameras installed, I asked the member of staff to operate the system to confirm it was working but he stated he did not know how to work it and officers would need to ask the business owner when he returns to the UK.

I asked to see staff training records, the member of staff stated there were no records that he knew of. When asked what training he had received he stated he had been shown how to work the till and that was all. He was asked if he had been trained in challenging persons who appeared to be underage, refusing sales and proxy sales and stated he did not understand what any of those meant.

I asked to see written authority provided by the premises licence holder and DPS to authorise him selling alcohol on her behalf. I was advised that there was no written authority and he hadn't been authorised as such but had been told by the business owner to work there and sell whatever customers wanted to purchase.

During the visit I further identified no measures had been put in place at the premises to reduce the risk to the public of Covid – 19.

Further submissions relating to this visit can be found in my statement dated 16<sup>th</sup> September 2020.

On 3<sup>rd</sup> February 2021 the licensing service received an email from a member of the public relating to the premises in which the premises were described as unclean, dangerous and dirty. It was stated a member of staff behind the till was not wearing a face covering was described as filthy and smelling of stale smoke. There was no protective screen in place or hand sanitiser. The complainant stated the premises was unclean and they felt unsafe shopping inside.

The mail is exhibited as KLL/3.



SIGNED..... WITNESSED.....

**Witness Statement**

(Criminal Procedure Rules, r27.2;  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

**APPENDIX 4**

SIGNED.......... WITNESSED.....

# APPENDIX 4

**From:** [Licensing](#)  
**To:** [COVIDTeam](#); [Keeley Ladlow](#)  
**Subject:** FW: Online form submission: FNB-2812-21-15014-C  
**Date:** 03 February 2021 16:05:39  
**Attachments:** [image001.png](#)  
[form-submission-FNB-2812-21-15014-C.txt](#)  
[FormSubmission-Tell us about a possible face covering breach inside a business that's happening now-FNB-2812-21-15014-C.pdf](#)

**From:** PublicContactBreachofCOVID19Guidance <[PublicContactBreachofCOVID19Guidance@southyorks.pnn.police.uk](mailto:PublicContactBreachofCOVID19Guidance@southyorks.pnn.police.uk)>  
**Sent:** 03 February 2021 16:03  
**To:** Licensing <[Licensing@rotherham.gov.uk](mailto:Licensing@rotherham.gov.uk)>  
**Subject:** FW: Online form submission: FNB-2812-21-15014-C

For your information. Received into our covid emails. Our inc 540 3/2/21 refers

Kind regards

Communications Support Desk  
South Yorkshire Police

T: 101 for non emergency calls  
T: 999 in case of an emergency

[www.southyorks.police.uk](http://www.southyorks.police.uk)



-----Original Message-----

**From:** [no-reply@service.police.uk](mailto:no-reply@service.police.uk) [<mailto:no-reply@service.police.uk>]  
**Sent:** 03 February 2021 15:49  
**To:** PublicContactBreachofCOVID19Guidance <[PublicContactBreachofCOVID19Guidance@southyorks.pnn.police.uk](mailto:PublicContactBreachofCOVID19Guidance@southyorks.pnn.police.uk)>  
**Subject:** Online form submission: FNB-2812-21-15014-C

\*\*\*\*\*  
 OFFICIAL - SENSITIVE  
 \*\*\*\*\*

-----  
YOUR DETAILS

First name: [REDACTED]

Surname: [REDACTED]

Date of birth: [REDACTED]

Email address: [REDACTED]

Phone number: not given

Lat long: [REDACTED]

Address: [REDACTED]

Map url: [REDACTED]

This is the location you gave us, is it correct?: Yes

When did this happen?: 03/02/2021

Approximately what time did this happen?: 15:00

What would you like to tell us about?: This is about Brampton Local Shop. Went in to the store and the man behind the till had no mask on or a protective screen up in place of a mask. There was no hand sanitiser to be seen. His hands were absolutely filthy and he stunk of stale smoke - the shop looked unclean and I felt at risk whilst buying my essentials. Two other customers came in - no mask or exemption pass - and were not asked to put a mask on, nor could I see any signage about distancing or masks. The other customers laughed at me and I could hear them joking about me wearing a mask - it is obviously commonplace in this establishment for not adhering to any guidelines, a covid breeding ground. Upon researching this place it has recently received a 1 in hygiene ratings from RMBC (this was pre pandemic) - they have obviously failed to take this seriously. A worry as there are many elderly residents nearby who may rely on this place for essentials. There was zero care or consideration for

# APPENDIX 4

the situation we are in - this place is dangerous and dirty.

---

Did you do any of the following before you used the website today?: None of the above; this is the first time I'm contacting you about this

---

If you hadn't been able to use the website do you think you would have:: Called 101

SYP Alerts offers information about local policing issues by text, email or voice message. Sign-up now at [www.sypalerts.co.uk](http://www.sypalerts.co.uk) #SignMeUp

SYP Alerts offers information about local policing issues by text, email or voice message. Sign-up now at [www.sypalerts.co.uk](http://www.sypalerts.co.uk) #SignMeUp

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Witness Statement

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

APPENDIX 4

STATEMENT OF: ...Keeley Louise Ladlow.....

Age if under 18: ..... Over 18 Occupation.....Senior Licensing Enforcement Officer....

This statement, consisting of...4..... Page(s) signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

*[Handwritten signature]*

Date the...16th..... day of.....September.....2020

I am the above named person and currently employed as Senior Licensing Enforcement Officer operating from Riverside House the offices of Rotherham Metropolitan Borough Council. I have been employed as an Enforcement Officer since 2015 and was previously a Police Community Support Officer, my duties include liaising with Hackney Carriage and Private Hire Drivers, investigating matters concerning Private Hire and Hackney Carriage Drivers and vehicles and Private Hire Operators.

On 3<sup>rd</sup> June 2020 Licensing Manager Alan Pogorzelec made me aware of an email that he had received from South Yorkshire Police earlier the same day. The email stated Police Officers had visited Brampton Local Store on Monday 1<sup>st</sup> June 2020 and during the visit had concerns regarding a lone member of staff at the premises who had given his name to them as Chris. Police Officers described the member of staff as being drunk. It was further stated the Police Officers had spoken to the shop manager who had advised them he was not the owner and the owner was currently in Pakistan.

On 4<sup>th</sup> June 2020 I viewed the premises licence, the premises licence holder and Designated Premises Supervisor (DPS) are Saima Hussain. I contacted Saima by telephone however there was no answer, following this again by telephone at 13.30hrs I contacted Hassan Zakhuri who had identified himself to Police Officers as the shop manager. Hassan was very reluctant to speak with me and did not wish to discuss the premises or his involvement at the premises.

Hassan initially stated to me that there had been no Police involvement at the premises, I advised him that I had spoken to South Yorkshire Police who had provided me with different information to what he was providing. Hassan then stated Police Officers had visited the premises on Monday 1<sup>st</sup> June regarding an ex-employee who no longer works at the premises.

I asked if the Police had had cause to discuss another member of staff with him and he stated no. I asked if he had a staff member called Chris employed at the premises and he stated "YES BUT THERE HAVE BEEN NO ISSUES."

I made Hassan aware that I was already aware of Police raising concerns regarding Chris he stated that he had not been at the premises when the Police had visited on Monday and Chris had been the only member of staff in the shop. The Police phoned him and told him that they believed Chris had been drinking, when I asked further

*[Handwritten signature]*

SIGNED..... WITNESSED.....

**Witness Statement**

(Criminal Procedure Rules, r27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

**APPENDIX 4**

Continuation of Statement of.....KEELEY LOUISE LADLOW.....

regarding this Hassan stated that Chris is an alcoholic who drinks every day before work and after work but he doesn't drink whilst working in the shop.

Hassan stated Chris is the only member of staff currently employed to work at the premises and works there for most of the day. Hassan stated he goes to the premises for an hour or two in a morning and again in the evening.

I asked Hassan who manages to premises and he stated that he manages the day to day running of the business and staff who are employed to work there.

When asked who the owner of the business was Hassan stated the owner is a male called Ashfaq Ahmed who is currently in Pakistan and cannot return to the UK due to Covid-19 restrictions.

I asked Hassan who the premises licence holder is and he stated he did not know and I would need to ask Ashfaq Ahmed. When asked who the DPS of the premises is Hassan asked what a DPS was stating he didn't know what a DPS was. I further asked who was authorising the sale of alcohol at the premises currently, he stated "ME, I THINK."

I could hear a rustling of papers followed by Hassan saying "SAIMA." When asked who Saima is Hassan stated she visits the shop every day to take cash away which she sends to Ashfaq. When asked what Saima's full name is, Hassan stated he did not know. I asked Hassan if he had a contact number for Saima and he stated he did not have a contact number for her adding that if I required one, I would need to speak to Ashfaq.

I asked Hassan what role Saima has at the premises, he stated Saima's name is on the premises licence but is on it in name only as Ashfaq is the owner employs all staff and runs the business. The call was then ended at this point.

At 14.21hrs the same day I contacted Saima Hussain by telephone, upon answering the call Saima was very quickly stated the premises were under control and that no sales of alcohol are made to person under the age of 18. Saima stated she visits the premises a couple of times per week.

I asked Saima what role Hassan has at the business and she stated he was employed by Ashfaq to go to the cash and carry as she can't go herself. When I asked who Ashfaq Ahmed is Saima states he is the owner of the business and runs the premises.

I asked Saima what her role within the business was and she stated she is the person who looks at what stock needs ordering writing the list for the cash and carry and cashing up weekly. At no point did Saima state that she was the premises licence holder or DPS.

Saima stated Ashfaq Ahmed employs staff to work at the premises, he says who works there on what days and lets her know when he has employed someone new. I asked Saima what she would do if she wasn't satisfied with a member of staff working at the premises and she stated that that would be for Ashfaq to sort not her.

Saima stated that Chris is employed to work at the premises and was employed by Ashfaq however she does see him when she goes to the shop.

Saima stated on Monday 1<sup>st</sup> June Hassan phoned her to tell her that the Police had visited the premises and Chris had been drinking. She states Chris isn't usually drunk in the mornings adding that he is fine and people like him. When questioned further Saima stated Chris is drunk in the evenings but isn't usually in the day and Police Officers



SIGNED..... WITNESSED.....

**Witness Statement**

(Criminal Procedure Rules, r27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

**APPENDIX 4**

Continuation of Statement of.....KEELEY LOUISE LADLOW.....

must have gotten it wrong adding that although he may have been behaving as though he was drunk he wouldn't have been.

Saima stated she has previously told Chris not to drink whilst working at the shop and he had promised her that he wouldn't. He still works at the shop and it was stated that she has no intention of taking any action against Chris as he is a nice man.

Saima stated Ashfaq usually opens and closes the premises however currently he is in Pakistan and cannot fly home due to travel restrictions.

To gauge Saima's understanding of the licensing act and running a licensed premises I asked her questions regarding challenge 25 and whether the premises operates a challenge scheme. Saima appeared to have little understanding of this but stated no sales are made to persons under the age of 18. I asked how she and other staff members would ensure a person is over the age of 18 and Saima provided a very vague response stating she may ask for some form of ID but wasn't sure what.

I asked Saima what training she had provided to staff members selling alcohol, she stated she had trained all staff in using the till system and may have verbally discussed verifying the age of a person buying alcohol but could not remember. I asked if she had written training or written training records and she stated that she hadn't.

When asked whether she had authorised staff members to sell alcohol in her absence she stated she thinks she may have done this verbally but was unsure adding that there was no authority to sell in writing. The call was then ended at this point.

The conversation I had with Saima gave me significant concerns regarding her involvement at the premises and ability to manage the premises lawfully and appropriately.

On 30<sup>th</sup> July 2020 I carried out a visit at the premises, upon arriving at the premises one member of staff was present and working alone. As I walked inside, he was standing behind the counter and walked towards the edge of the counter in my direction. As he walked, he proceeded to fall towards the counter and held onto the edge of the counter appearing to need to steady himself. I was standing approximately 2 metres away from him but could smell alcohol, when he spoke his speech was slurred and he was swaying whilst standing behind the counter. From the way he was standing and speaking he appeared to be heavily under the influence of alcohol.

He provided his name to me as Chris and I began to ask him how the premises operated. I asked what challenge scheme the premises operate, and Chris asked me what I meant by challenge scheme. I asked if the premises operate challenge 21 or challenge 25 when verifying the age of persons and again, he asked what I meant by this stating he didn't understand adding that he was only employed to sell alcohol and store goods.

I asked Chris what he would do if someone asked to buy alcohol or cigarettes and did not look old enough, he stated that if a person looks 18 he would sell the item to them. Adding that if a person doesn't look 18 sometimes he would ask for ID but sometimes forgets to ask and sells the alcohol to them without asking. I asked what he would do if he did ask for ID and the customer advised him they did not have any, he stated that he often sells the alcohol anyway so not to inconvenience the customer.



SIGNED..... WITNESSED.....

**Witness Statement**

(Criminal Procedure Rules, r27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

**APPENDIX 4**

Continuation of Statement of.....KEELEY LOUISE LADLOW.....

I asked to see the refusals and challenge register and was told that there isn't a log of refusals or challenges at the premises adding that he has never been told to write it down.

I asked Chris if he knew who the premises licence holder is and he stated he did not know so I would need to ask the business owner. I asked if he knew who the Designated Premises Supervisor is and he asked what a DPS was stating I would need to ask the business owner who is currently out of the country.

I asked Chris if he knew who Saima Hussain is, he stated that he did not know who this was and had never heard of her. He added that if I needed to know who she was I would need to ask the business owner when he returns to the UK.

The premises has CCTV installed with a monitor opposite the counter, I asked Chris is he could operate the system for me to confirm that it was recording but he stated he did not know how to work it and I would need to ask the business owner.

I asked if Chris could locate the staff training records for me to view, he stated there were no records that he knew of. I asked what training he had received, and he stated he had been shown how to work the till and that was all. I asked if he had been trained in challenging persons who appeared to be underage, refusing sales and proxy sales, he stated he did not understand what any of those things meant.

I asked if he could produce written Authority provided by the premises licence holder or DPS to authorise him to sell alcohol in their absence. Chris stated there was no written authority and he hadn't been authorised as such but had been told by the business owner to work there and sell whatever customers wanted to buy.

During the visit I also noticed no measures had been put in place to reduce the risk of Covid – 19 to the public, no social distancing measures had been implemented and customers were not being told to wear masks when in the premises. Throughout my visit I wore a face mask however this was laughed at by Chris upon me entering the store and he asked why I was wearing something so silly.



SIGNED..... WITNESSED.....

**Witness Statement**

(Criminal Procedure Rules, r27.2;  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

**APPENDIX 4**

SIGNED.......... WITNESSED.....