

LICENSING SUB-COMMITTEE
14th October, 2022

Present:- Councillor Ellis (in the Chair); Councillors Hughes and McNeely.

12. CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.51 OF THE LICENSING ACT 2003) TO REVIEW THE PREMISES LICENCE IN PLACE AT ROTHERHAM'S BEST, 88 CAMBRIDGE ST, CLIFTON, ROTHERHAM, S65 2ST

Consideration was given to an application (made in accordance with Section 51 of the Licensing Act 2003) to review the Premises Licence in place at Rotherham's Best, 88 Cambridge St, Clifton, Rotherham, S65 2ST.

The Council's Licensing Service (acting in its role as a Responsible Authority under the Licensing Act 2003) had made an application on 3rd August, 2022, to review the Premises Licence in place at Rotherham's Best. The review application was submitted following the involvement of Licensing Enforcement Officers with the premises which had resulted in a number of visits being carried out over recent months. During these visits it had become clear that there was a general failure of the Premises Licence Holder to ensure that the licence was being used in accordance with the conditions that were attached to it. Despite a number of warnings being issued to the licence holder, Licensing Officers had been unable to secure compliance with the conditions attached to the licence and were now of the view that a review of the licence was required in order to ensure that the licensing objectives were upheld.

The premises was an off licence/grocer and was licenced for the sale of alcohol for consumption off the premises only.

No additional representations had been received.

The Sub-Committee heard representations from Mrs. D. Krauss (Principal Licensing Officer) on behalf of Mrs. K. Ladlow (Principal Licensing Officer). In addition, Mr. Ilyas Nishat (Premises Licence Holder) and Mr. Redwan Nishat (family member) were in attendance.

The application for a full review of the premises sought a revocation of the premises licence on the grounds that the Premises Licence Holder was failing to properly promote 3 of the licensing objectives i.e. the prevention of crime and disorder, public safety and the prevention of public nuisance due to:-

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- Mr. I. Nishat had been the Premises Licence Holder since 1st October, 2020, transferred to him by Mr. Nishat Burhan
- Information received from South Yorkshire Police on 15th December, 2021, regarding sale of a bottle of vodka to a 16 year old. The alcohol was then consumed by the 16 year old and 12 year old
- Compliance visit undertaken on 9th February, 2022, which had revealed no training records were kept and that staff were not trained to the requirements of the Licensing Act 2003 contravening Condition 2 of Annex 2 of the premises licence and no display of the premises licence summary (an offence under Section 57(3) of the Licensing Act 2003
- Due to Mr. Burham Nishat having no involvement at the premises, advice given regarding a change of Designated Premises Supervisor (DPS)
- Email sent to Mr. Ilyas Nishat on 10th February, 2022, detailing the changes required in order to comply with the conditions set out within Annex 2 of the premises licence together with best practice guidance e.g. registration to Rotherham Licence Watch, Challenge 25 Policy and posts, authorisation list of who was permitted to sell alcohol at the premises on the Designed Premises Supervisor's behalf, incident record book, refusal record book and the training for all staff
- Visit made on 16th February, 2022, revealing that no progress had been made. A warning was issued and a further visit scheduled for the following week. Mr. Nishat informed by email that he was now at risk of enforcement action against the premises licence and that improvement was required immediately
- Meeting arranged for 15th March, 2022, at the Council offices to assist Mr. Nishat with the transfer of DPS status
- A visit to the premises on 2nd March, 2022, at which Mr. Nishat was not present. An employee was unable to locate any of the documentation previously requested and could not recall any training provided nor familiar with the Challenge 25 scheme
- A meeting at the Council offices took place on 15th March, 2022, where officers had explained the process of changing the DPS to Messrs. Ilyas Nishat and Burhan Nishat. Both stated they fully understood and that the DPS would be changed
- The premises licence summary and Challenge 25 posters were on display at a premises visit on 24th March, 2022, however, training records, refusal records, incident records and DPS authorisation to sell alcohol were still not in place as well as non-completion of the DPS transfer documentation. Mr. Nishat was again warned that further action may follow due to the lack of compliance with the premises licence conditions set out in Annex 2
- During the visit Licensing Officers witnessed Mr. Ilyas Nishat serving 2 customers a single cigarette each out of a packet selling them for 50p each
- Warning letter sent on 31st March, 2022, stating that Mr. Ilyas Nishat was not compliant with Condition 2 under Annex 2 of the premises licence

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- Telephone call on 6th April, 2022 when Mr. Ilyas Nishat confirmed that no progress had been made. Advice was given on what changes needed to be implemented which accorded with best practice
- Visit on 18th May, 2022, established that the DPS transfer documentation had still not been completed. Despite a promise to email the training records and proof of the Challenge 25 training and policy these were never received. No evidence could be produced to support the claim that Mr. Ilyas Nishat had applied and was now a member of Licence Watch
- Warning letter sent on 25th May, 2022, and provided one final opportunity to become compliant with the conditions of the premises licence, however, a visit on 10th June, 2022, revealed that still no training records or any other records were kept at the premises. There appeared to be no attempt to comply with Annex 2 conditions or best practice recommendations
- Confirmation from South Yorkshire Police that no application had been made to join the Licence Watch Scheme

Mr. Ilyas Nishat addressed the concerns raised by the Licensing Service.

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 of the application for review and to the representations the Premises Licence be revoked with immediate effect.