

**LICENSING SUB-COMMITTEE
18th December, 2023**

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

CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.17 OF THE LICENSING ACT 2003) FOR THE GRANT OF A PREMISES LICENCE IN RESPECT THE PREMISES TO BE KNOWN AS MARDIN MINI MARKET & OFF LICENCE SITUATED AT 67 WELLGATE, ROTHERHAM S60 2LT.

Consideration was given to an application (made in accordance with Section 17 of the Licensing Act 2003) for the grant of a Premises Licence in respect of the premises to be known as Mardin Mini Market and Off Licence situated at 67 Wellgate, Rotherham S60 2LT.

The applicant, Mr. Miran Ahmad Mohammad, was seeking authorisation to allow the sale of alcohol for consumption off the premises on every day of the week between 08:00 hours and 23:00 hours.

Mr. Mohammad had named himself as the Designated Premises Supervisor (DPS) in the application.

Consultation on the application had been carried out in accordance with all statutory requirements and the Council procedure. At the end of the prescribed 28 days period, representations in support of the review application were lodged by 4 “other persons” who were all opposed to the granting of the application. However, to be relevant, representations must relate to one or more of the licensing objectives; 2 of the representations were discussed as they failed to comply. Both parties who submitted irrelevant representations were provided with appropriate advice and support so as to allow them to make relevant representation if they so wished.

During the consultation period South Yorkshire Police had made representations seeking the addition of a further 2 management control conditions in addition to those offered in the application as follows:-

- No singular alcoholic drinks of beer, lager and cider in cans or bottles (smaller than 500 ml) shall be sold and a minimum purchase of 4 shall be required
- No beers, lager or cider of 6.5% ABV and above shall be sold

The applicant had agreed to amend the application to include the above conditions in their operating schedule. The representations were then withdrawn by the Police.

The Sub-Committee heard that written representations had been submitted by 2 “other persons”. They had been invited to the hearing but had confirmed they would not be in attendance. One of the written representations was submitted on behalf of 18 people. The representations centred on concerns regarding:-

- The public nuisance and disorder already in existence on Wellgate; it was believed that approval of the licence would exacerbate the situation
- It would lead to additional public drinking, noise nuisance, vandalism and danger to people and property
- The proximity of 2 existing off-licence premises as well as other premises on Wellgate/in the town centre
- An additional late opening premise would potentially add further disturbance, noise, litter and anti-social behaviour so near to a residential street
- Ongoing problems on Wellgate which was currently designated as an anti-social behaviour hotspot
- Litter problem on Wellgate Mount and Wellgate with drinks and alcohol cans
- The multi-storey car park had a history of misuse street drinkers due to its close proximity to licensed premises and screening from more open public spaces. 67 Wellgate was directly across from the car park

Mr. Semper (Licensing Guys), Mr. Lucan (Licensing Guys) and Mr. Mohammad, applicant, addressed the concerns raised highlighting:-

- In August 2023 Mr. Mohammad had been granted a Premises Licence for another property on Wellgate for which there had been no objections at all. He had since sold the premises to buy No. 67 which was a larger property
- There was no history of disorder, noise complaints or any other cause for concern evidenced involving the premises or the applicant
- The availability of alcohol did not change crime and disorder; it was the affordability to the person(s) concerned
- The shop would not be selling single cans nor would they sell beers/lagers/ciders over 6.5%
- Mr. Mohammad could not be held accountable for other premises' actions
- There would be no other employees in the shop
- It was not the intention to operate a delivery service

The Sub-Committee considered and noted the representations made but did not feel that there was sufficient evidence that the licensing objectives would not be promoted by the application. Due note was also taken of the action being taken by the applicant to address any concerns that the objectors may have had in relation to the application.

LICENSING SUB-COMMITTEE – 18/12/23

Resolved:- That the application for the grant of a Premises Licence in respect of the premises to be known as Mardin Mini Market and Off Licence, 67 Wellgate, Rotherham S60 2LT be approved subject to the following conditions:-

1. That a Challenge 25 scheme shall operate at the premises, whereby any person who appears to be under 25 years of age and was unknown to the staff member serving as being aged 18 or over, shall not be sold alcohol unless they provided identification to prove they were over 18 years of age.
2. That the only acceptable forms of identification allowed under the Challenge 25 scheme are a:
 - a) passport;
 - b) photo ID driving licence;
 - c) Ministry of Defence identity card; or
 - d) proof of age scheme card with the PASS approved hologram.
3. Challenge 25 signage must be displayed in a clear and prominent public place at the premises.
4. That a refusal register must be kept at the premises and contain details of the date and that the sale of alcohol was refused and the name of the staff member who refused the sale This register can be written or electronic.
5. That the refusal register must be made available for inspection upon request by a Responsible Authority.
6. That any website through which the sale of alcohol was ordered and dispatched for delivery from the premises shall include a statement which informs customers that:

the premises operates a Challenge 25 scheme and any person accepting a delivery of alcohol must be able to prove they are over 18 with a satisfactory form of ID. Satisfactory forms of identification are a:
a) passport; b) photo ID driving license; c) Ministry of Defence identity card; or d) proof of age scheme card with the PASS approved hologram.
7. Customers must be at least 18 years old to purchase alcohol, and it was a criminal offence for anyone:
 - a) under 18 to buy, or attempt to buy alcohol; and
 - b) over 18 to buy, or attempt to buy, alcohol for persons under the age of 18.

8. That all orders of alcohol are to be recorded and this record shall include the order number and recipient's delivery address. This record can be written or electronic.
9. That the record of orders of alcohol shall be made available for inspection upon request by a Responsible Authority.
10. That alcohol shall only be delivered to a residential or business address and not to a public place, e.g. car park, street corner, or park.
11. That delivery staff shall carry out a Challenge 25 check on all orders containing alcohol, where the person accepting the delivery looks to be under 25 years of age. Where the recipient is unable to provide satisfactory ID the alcohol part of an order must not be delivered to the premises.
12. That all deliveries containing alcohol must be made to an individual aged 18 years or over and shall not be left unattended for later collection.
13. That an incident log must be kept at the premises It must be completed within 24 hours of an incident occurring and must contain the following:
 - a) Name of the member of staff member reporting the incident;
 - b) All crimes reported to the premises;
 - c) All ejections of patrons;
 - d) Any complaints received concerning crime and disorder;
 - e) Any incidents or disorder;
 - f) All seizures of drug or offensive weapons;
 - g) Any visits from Responsible Authorities.
14. That the incident log must be made available for inspection upon request by a Responsible Authority.
15. That a digital CCTV system with recording equipment shall be installed and maintained at the premises and operated with cameras in positions to cover the till, all sales areas where alcohol was on display and entry/exit points. The system shall be fully operational and recording at all times the premises was open for licensable activities. All recordings used in conjunction with CCTV shall:
 - a) be of evidential quality in all lighting conditions;
 - b) indicate the correct time and date;
 - c) be retained for a period of 31 consecutive days.
16. That all images downloaded from the CCTV system must be provided in a format that can be viewed on readily available equipment without the need for specialist software.

LICENSING SUB-COMMITTEE – 18/12/23

17. That duty managers shall be trained to use the CCTV system, and CCTV image must be available for inspection and downloading immediately upon request by a Responsible Authority.
18. That no singular alcoholic drinks, of beer, lager & cider in cans or bottles (smaller than 500ml) shall be sold; and a minimum purchase of 4 shall be required.
19. That no beers, lager, or cider of 6.5% ABV and above shall be sold.
20. That clear signage shall be prominently displayed at all exits requesting customers leave the area quickly and quietly.
21. That no under 18s will be allowed on the premises after 22.00 hours.
22. That children must be accompanied by an adult at all times.
23. That all staff responsible for the sale, supply and delivery of alcohol shall receive training in relation to the Challenge 25 scheme in operation at the premises before being allowed to sell, supply, or deliver alcohol. This training shall be recorded.
24. That all staff shall receive training, commensurate with their role and responsibilities, relevant to the promotion of the licensing objectives. Training shall include the accurate and timely reporting and recording of incidents, the safeguarding of children and appropriate behaviour relating to the protection of children or vulnerable persons from harm. This training shall be recorded.
25. That all staff training shall be provided at the commencement of duties and refreshed at least annually and must be recorded. Staff training records shall be kept on the premises and made available for inspection upon request by a Responsible Authority.
26. That a litter receptacle be provided outside the shop premises for the use by customers and emptied on a regular basis.