

## LICENSING SUB-COMMITTEE

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

**Date:** Monday 18 December 2023

**Time:** 10.30 a.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 Chair is of the opinion should be considered later in the agenda as a matter of urgency
3. 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. (Pages 3 - 53)

This page is intentionally left blank

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

Licensing Sub-Committee – 18<sup>th</sup> December 2023 at 10:30 hours (10.30 am)

### **Report Title**

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.

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

Diane Kraus, Principal Licensing Officer, Community Safety and Street Scene  
Tel: 01709 289536

### **Report Summary**

On the 2<sup>nd</sup> November 2023 an application the grant of a premises licence was made by Mr Miran Ahmad Mohammad in respect 67 Wellgate, Rotherham S60 2LT.

The applicant is 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.

Representations to the application have been made by “Other Persons”, who are opposed to the grant of the application. Further detail of the application and representations is provided within the main body of the report.

### **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 plan and photograph of current signage.
- Appendix 2 Application form and premises layout plan
- Appendix 3 Offered conditions, including those agreed with South Yorkshire Police
- Appendix 4 Relevant representations received from “Other Persons”

### **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(August 2023)  
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.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 & Off Licence situated at 67 Wellgate, Rotherham S60 2LT.**

**1. Background**

- 1.1 The premises is not currently licensed under the Licensing Act 2003 and there is no record of the Council having previously received, or processed, an application for a Premises Licence in respect of 67 Wellgate, Rotherham S60 2LT.

**2. Key Issues**

The application

- 2.1 A location plan of the premises, together with a photograph showing the premises with its new signage in place, is attached at Appendix 1.

The application

- 2.2 On 2<sup>nd</sup> November 2023 an application the grant of a premises licence was made by Mr Miran Ahmad Mohammad in respect 67 Wellgate, Rotherham S60 2LT, a copy of this application, together with the layout plan of the premises, is attached at Appendix 2.
- 2.3 The application seeks 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.
- 2.4 The applicant, Mr Miran Ahmad Mohammad, has named himself as the Designated Premises Supervisor (DPS) in the application.

Consultation

- 2.5 Consultation on the application has been carried out in accordance with all statutory requirements and the Council's procedure. There is a prescribed period of 28 days following the submission of an application during which time representations in relation to the application may be submitted.
- 2.6 During the consultation period South Yorkshire Police made representations seeking the addition of a further two management control conditions in addition to those offered in the application. The conditions sought by the Police are:
- 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.
  - No beers, lager, or cider of 6.5% ABV and above shall be sold.

- 2.7 The applicant agreed to amend the application so as to include the conditions sought by the Police in their operating schedule. Given this the representations made by South Yorkshire Police were withdrawn. The offered conditions, which would be applied to any Licence that may be granted are set out at Appendix 3.
- 2.8 At the end of the consultation period, four representations had been received from Other Persons, all of which were opposed to the grant of the application. However, to be relevant representations must relate to one or more of the licensing objectives, and two of the representations were discounted as they failed to do this. Officers provided both parties who had submitted irrelevant representations with appropriate advice and support so as to allow them to make relevant representation if they so wished.
- 2.9 None of the Responsible Authorities have made, or are continuing to make, representations to the application.
- 2.10 The applicant has been provided with the detail of the relevant representations received from Other Persons.
- 2.11 The applicant and Other Persons who made relevant representations have been invited to the hearing today. All parties attending, will be given the opportunity to address the Sub-Committee in relation to the matters raised in the application and the representations to it.
- 2.12 Members of the Sub-Committee should give full consideration of application submitted and the and representations to it, together any supporting evidence provided by any party prior to the date of the hearing. Documentary evidence provided on the day of the hearing should only be considered with the consent of all parties.

#### Representation from the Other Persons

- 2.13 Two relevant representations, both of which that are opposed to the grant of a Licence, have been received from Other Persons. The Sub-Committee should note that one of the representations has been submitted on behalf of 18 people and attach appropriate weight to this. A copy of the representations is attached at Appendix 4.

#### Response from the Applicant

- 2.14 At the time of writing no additional documentary evidence in response to the representations has been received from the applicant.

### **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 Sub-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. In relation to this application, the options available to the Sub-Committee are:

- To grant the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Sub-Committee may modify to such extent as they consider appropriate; or
- To reject the whole or part of the application (which may include the omission of certain licensable activities from the licence and / or the refusal to specify a particular individual as the Designated Premises Supervisor).

3.3 The statutory guidance makes it clear that Licensing Authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They 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.

3.4 The Sub-Committee'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.

3.5 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require the Sub-Committee to decide that no lesser step will achieve the aim, the Sub-Committee should aim to consider the potential burden that the condition would impose on the applicant/premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the Sub-Committee ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the licensing objectives and nothing

outside those parameters. The Sub-Committee may consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business (if appropriate).

- 3.6 The Sub-Committee is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination. Conditions may be placed on the licence (if granted) and further information in relation to conditions is provided later in this report.
- 3.7 All licensing determinations should be considered on the individual merits of the application. The Sub-Committee'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.
- 3.8 It is important that the Sub-Committee 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.

### Conditions

- 3.9 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 3.10 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

### Proposed conditions

- 3.11 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence holder, which they should carry out before making their application for a premises licence. This would be translated into the steps recorded in the operating schedule, which must also set out the proposed hours during which



licensable activities will be conducted and any other hours during which the premises will be open to the public.

- 3.12 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

### Consistency with steps described in operating schedule

- 3.13 The 2003 Act provides that where an operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 3.14 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder must be clear to the licence holder, enforcement officers and the courts.

### Imposed conditions

- 3.15 The Sub-Committee may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises.
- 3.16 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

### Proportionality

- 3.17 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might

include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

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

4.1 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.

4.2 An appeal may be lodged by either the applicant or a party to the hearing that has made a relevant representation.

4.3 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).

## **5. Financial Implications**

5.1 There are no specific financial implications arising from this application.

5.2 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.

## **6. Legal Advice and Implications**

6.1 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.

6.2 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

- 6.3 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.
- 6.4 The Sub-Committee may accept hearsay evidence and it will be a matter for the 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.
- 6.5 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.
- 6.6 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.
- 6.7 In addition to the above, members are reminded that all decisions must be taken in accordance with the Council's Statement of Licensing Policy (adopted 3<sup>rd</sup> June 2020).
- 6.8 Departure from the guidance and / or Statement of Licensing Policy 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.

## **7. Risks and Mitigation**

- 7.1 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.

- 7.2 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.
- 7.3 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.
- 7.4 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 and Statement of Licensing Policy is available for members to review should they wish to do so.

**8. Accountable Officer(s)**

Diane Kraus, Principal Licensing Officer, Community Safety and Street Scene

**Licensing Act 2003 - Hearing Procedure – Grant of a Premises Licence**

1. The Chair of the Licensing Sub Committee will introduce the Committee and ask officers to introduce themselves.
2. The Chair of the Licensing Sub Committee will ask the following parties to introduce
  - a) themselves:
  - b) the applicant and any witnesses they wish to call.
  - c) any person who has made representations and any witnesses they wish to call.
3. The Licensing Officer will introduce the report and provide any updates.
  - a) Questions solely concerning the report can be asked by Members, the applicant and by persons making representations.
4. The Chair of the Licensing Sub Committee will then invite:
  - a) any person who has made representations to present their representations and call any witnesses

**Note:** Members of the Sub Committee, followed by the applicant may ask questions of persons who have made representations and their witnesses.

  - b) the applicant to present their application, respond to the representations, and call any witnesses

**Note:** Members of the Sub Committee, followed by any person who has made representations may ask questions of the applicant and their witnesses.
5. The licence holder will then be given the opportunity to sum up
6. The public hearing will then be concluded, and the Sub Committee will go into closed session, together with the Councils Solicitor and the Clerk to the meeting.
7. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made thereunder.

**Note:**

**At any time throughout the hearing Members of the Licensing Sub Committee may request legal advice from the Council's Solicitor. Any advice sought during closed session will be included in the notice setting out the decision.**

**The Committee Hearing will be held in public unless and in accordance with relevant Regulations the Licensing Sub Committee determine that the public should be excluded.**

This page is intentionally left blank

Page 15  
**APPENDIX 1**



This page is intentionally left blank



## Appendix 2

### \

Application for a premises licence to be granted  
under the Licensing Act 2003

I/We Miran Ahmad MOHAMMAD

*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
67 Wellgate			
Post town	ROTHERHAM	Postcode	S60 2LT

Telephone number at premises (if any)	07365 418836
Non-domestic rateable value of premises	£3800

### Part 2 - Applicant details

Please state whether you are applying for a premises licence as:  
Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
- i as a limited company/limited liability partnership  please complete section (B)
- ii as a partnership (other than limited liability)  please complete section (B)
- iii as an unincorporated association or  please complete section (B)
- iv other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)





- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- h) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- i) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(B) APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

<b>Name</b> Miran Ahmad MOHAMMAD
<b>Address</b> 
<b>Date and Place of Birth:</b> 1 <sup>st</sup> September 1991 in Tuzkhurmatu
<b>Right to Work:</b> UK Passport - 
<b>Telephone number (if any)</b> 
<b>E-mail:</b> 

### Part 3 Operating Schedule

**When do you want the premises licence to start?**

DD	MM	YYYY
3	0	1 1 2 0 2 3

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

**Please give a general description of the premises (please read guidance note 1)**

Convenience Store with Off Licence.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur								
Fri						<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat								
Sun								

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Tue			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Wed			
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					



**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**H**

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>		
Sun					

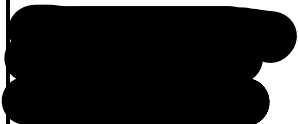

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	23:00			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name:</b> Miran Ahmad MOHAMMAD	
<b>Date of birth:</b> 07/09/91	
<b>Address</b> 	
<b>Postcode</b> 	
<b>Personal licence number (if known)</b>	RM3563
<b>Issuing licensing authority (if known)</b>	Rotherham Metropolitan Borough Council

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 9).

n/a

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	23:00	
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	
			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives**

**Staff Training**

The Premises Licence holder must ensure all staff receive adequate training, commensurate with their role and responsibilities, relevant to the Licensing objectives.

In respect of sales of alcohol, all staff involved in, or responsible for, the sale or supply of alcohol, must receive training in relation to the Challenge 25 scheme before being allowed to sell alcohol.

Training must also include the accurate and timely reporting and recording of incidents in the Incident Log, the Safeguarding of Children and appropriate behaviour relating to the protection of children or vulnerable persons from harm.

Training must be recorded, knowledge refreshed at least annually, and records must be maintained, kept on the premises, and made available for the inspection by responsible authorities on reasonable request.

**Refusal Record**

A refusal register must be held at the premises and contain details of the time and date of any sales that are refused in relation to persons that are underage.

The register must be made available for inspection upon request by a Responsible Authority. This register can be written or electronic.

**Incident Log**

An incident log must be kept at the premises and made available on request to the Police or an authorised officer of the Licensing Authority. It must be completed within 24 hours of an incident occurring and must record the following:

1. Name of the member of staff member reporting the incident
2. All crimes reported to the premises,
3. All ejections of patrons,
4. Any complaints received concerning crime and disorder,
5. Any incidents or disorder,
6. All seizures of drug or offensive weapons,
7. Any visits from Responsible Authorities.

**b) The prevention of crime and disorder**

**CCTV**

A digital CCTV system with recording equipment shall be installed and maintained at the premises and operated with cameras in positions agreed

with the Police. The system shall be fully operational and recording at all times the premises is open for licensable activities. All recordings used in conjunction with CCTV shall:

- be of evidential quality in all lighting conditions;
- indicate the correct time and date; and
- be retained for a period of 31 consecutive days.

Duty managers must be trained to use the system, as a recorded image must be available for inspection and downloading immediately upon request to Officers of Responsible Authorities.

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.

**c) Public safety**

**d) The prevention of public nuisance**

Clear signage must be prominently displayed at all exits requesting customers leave the area quickly and quietly.

**e) The protection of children from harm**

**Age Verification Scheme – Challenge 25**

A challenge 25 scheme must operate at the premises, whereby any person who appears to be under 25 years of age and is unknown to the staff member serving as a person over 18 years of age, shall not be sold alcohol unless they provide identification to prove they are over 18 years of age.

The only acceptable forms of identification allowed are a valid passport, a valid photo ID driving license or a valid proof of age scheme card with the PASS approved hologram.

Challenge 25 signage must be displayed in a clear and prominent public place at the premises.

All staff must be fully trained in relation to the Challenge 25 scheme before being allowed to sell alcohol and a record must be kept of staff training. Training must be refreshed at least every 12 calendar months. Such training must be recorded and be maintained at the premises and made available for inspection upon request.

No under 18s will be allowed on the premises after 22.00 hrs.



Children must be accompanied by an adult at all times.

### **Online Alcohol Sales**

On any website through which sales are made, there must be a statement which informs customers:

- the premises operates a Challenge 25 policy and any person accepting a delivery must be prepared and able to prove they are over 18 with a satisfactory form of ID;
- customers must be at least 18 years old to purchase alcohol,
- it is a criminal offence for anyone under the age of 18 to buy or attempt to buy alcohol or for anyone to buy or attempt to buy alcohol for persons under the age of 18.

### **Food/Alcohol Delivery Sales/Service**

Delivery staff must carry out a Challenge 25 check on delivery, where the person accepting the delivery looks as if they could be under 25.

All orders of alcohol are to be recorded and accessible electronically, including the order number and recipient's delivery address, and are to be made available to any responsible authority if requested.

Alcohol orders must only be delivered to a residential or business address and not to a public place, e.g., not to a car park, a street corner, or a park.

All deliveries will be made to individuals over the age of 18 years of age and not left unattended for later collection.

A Challenge 25 scheme shall be operated, whereby if the supply of alcohol is to any person who appears to be under the age of 25 years of age, they will be required to produce satisfactory ID, which meets the mandatory age verification requirement and is either a:

- Proof of age card bearing the PASS Hologram;
- Photo card driving licence;
- Passport; or
- Ministry of Defence Identity Card

Where the recipient is unable to provide satisfactory ID, providing they are 18 years old, or over, the alcohol part of an order must not be delivered to the premises.

A refusals record shall be maintained at the premises, which details all refusals to supply alcohol. Each entry must record the date and time of the refusal and the name of the staff member refusing the supply.

Notwithstanding Conditions above, when using third party couriers, all consignments of alcohol will be dispatched through reputable couriers only.

**Checklist:**

**Please tick to indicate agreement**

•	I have made or enclosed payment of the fee.	X
•	I have enclosed the plan of the premises.	X
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	X
•	I understand that I must now advertise my application.	X
•	I understand that if I do not comply with the above requirements my application will be rejected.	X
•	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

**Part 4 – Signatures** (please read guidance note 11)

**Privacy Notice**

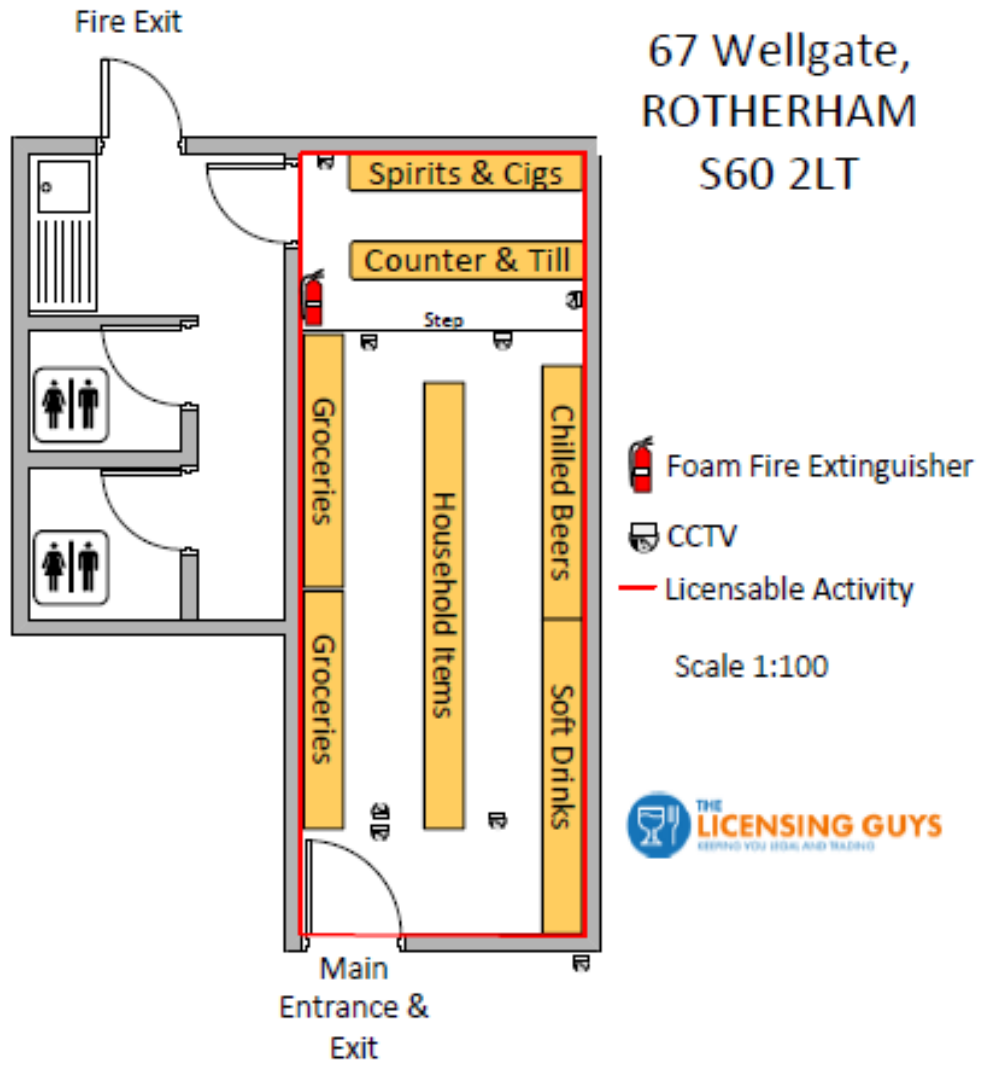
The Licensing Service will store your personal data and share it with other agencies in accordance with Stroud District Council’s privacy policy Please see the Council’s website [www.stroud.gov.uk/privacynotice](http://www.stroud.gov.uk/privacynotice) . Section 1 to 10 is the Council’s general privacy notice and section 15 gives details for the Licensing Service.

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	Nick SEMPER for The Licensing Guys™
Date	2 <sup>nd</sup> November 2023
Capacity	Licensing Consultant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
<b>The Licensing Guys, Rural Enterprise Centre Vincent Carey Road Rotherwas Business Park</b>			
Post town	<b>HEREFORD</b>	Postcode	<b>HR2 6FE</b>
Telephone number (if any)	<b>07890 105387</b>		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) <b>licensing@thelicensingguys.com</b>			

Plan



## **APPENDIX 3**

The conditions set out below have been offered by the applicant and will be applied at Annex 2 of any Licence that may be granted.

- 1. A challenge 25 scheme shall operate at the premises, whereby any person who appears to be under 25 years of age and is unknown to the staff member serving as being aged 18 or over, as shall not be sold alcohol unless they provide identification to prove they are over 18 years of age.**
- 2. The only acceptable forms of identification allowed under the challenge 25 scheme 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.**
- 3. Challenge 25 signage must be displayed in a clear and prominent public place at the premises.**
- 4. A refusal register must be kept at the premises and contain details of the date and that the sale of alcohol is refused and the name of the staff member who refused the sale This register can be written or electronic.**
- 5. The refusal register must be made available for inspection upon request by a Responsible Authority.**
- 6. Any website through which the sale of alcohol is ordered and dispatched for delivery from the premises shall include a statement which informs customers that:**
- 7. 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.**
- 8. customers must be at least 18 years old to purchase alcohol, and it is 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.**

9. 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.
10. The record of orders of alcohol shall be made available for inspection upon request by a Responsible Authority.
11. 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.
12. Delivery staff shall carry out a Challenge 25 check on all order 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.
13. All deliveries containing alcohol must be made to an individual aged 18 years or over and shall not be left unattended for later collection.
14. 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; and
  - g) Any visits from Responsible Authorities.
15. The incident log must be made available for inspection upon request by a Responsible Authority.
16. A digital CCTV system with recording equipment shall be installed and maintained at the premises and operated with cameras in positions agreed with the Police. The system shall be fully operational and recording at all times the premises is 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; and
  - c) be retained for a period of 31 consecutive days.
17. 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.

- 18. 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.**
- 19. 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.**
- 20. No beers, lager, or cider of 6.5% ABV and above shall be sold.**
- 21. Clear signage shall be prominently displayed at all exits requesting customers leave the area quickly and quietly.**
- 22. No under 18s will be allowed on the premises after 22.00 hrs.**
- 23. Children must be accompanied by an adult at all times.**
- 24. 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.**
- 25. 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.**
- 26. All staff training shall be provided at 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.**

This page is intentionally left blank



# Appendix 4

## Representation One

**Sent:** 04 November 2023 20:31

**To:** Licensing <[Licensing@rotherham.gov.uk](mailto:Licensing@rotherham.gov.uk)>

**Subject:** Ref: 3450750 Ask about licensing, enquire about a licence or raise a concern - Alcohol sales licensing

## Page: About you

• Title: [REDACTED]

• First name: [REDACTED]

• Surname: [REDACTED]

• Address: [REDACTED]

## Page: About your enquiry

- What is your enquiry about? Alcohol sales licensing
- Please give us more details about your enquiry:

I'm responding to the alcohol license application for the following premises: 67 Wellgate Rotherham S60 2LT

I am against the application. I believe the following license objectives will be breached: The prevention of crime and disorder The prevention of public nuisance

We currently already have public nuisance and disorder on Wellgate, particularly late at night. I believe public nuisance and disorder will be made much worse with the additional consumption of alcohol in public, and in particular the late night availability of alcohol to be drunk off the premises.

I believe this will lead to additional public drinking, noise nuisance, vandalism, and danger to people and property.

## **Representation Two**

### **Objection - Application for Off-Licence 67 Wellgate Rotherham. S60 2LT**

Dear Sir,

With reference to the current application for the grant of an off licence at the above premises please note an objection by the following local residents on the below grounds.

There are currently two off-licence premises within 50 yards of one another Mannings and (European Store opened very recently). In addition there are other on and off licensed premises along Wellgate itself and the wider town centre. There is ample provision for the purchase and consumption of alcohol in the immediate area.

I and other residents feel that additional late opening premises (11pm in this case) would potentially add further disturbance, noise, litter and antisocial behaviour at the foot of a residential street.

The town centre including Wellgate is currently designated as an antisocial behaviour hotspot due to ongoing problems with street drinkers, persistent begging and drug users regularly congregating, causing a number of issues.

Recently, the adjacent multi storey car park had to provide extra security for 2 months at public expense to mitigate persistent gatherings of persons drinking, drug taking and related antisocial behaviour including threats and intimidation to staff by persons aggrieved at not being able to continue their activities inside the car park.

Additionally sheltered accommodation premises provided by a housing association on Clifton Bank had to close due to the premises attracting a number of street drinkers and others visiting the occupants, purchasing alcohol from Mannings off licence across the road and then causing disturbance on the street nearby.

The multi storey car park adjacent to the existing off licence premises has a history of misuse street drinkers due to its close proximity to the licensed premises and screening from more open public spaces. 67 Wellgate is directly across from the multi storey car park.

There is regularly a litter problem on Wellgate Mount and Wellgate, drinks and alcohol cans in addition to persons using the road as a meeting area to purchase hard drugs from suppliers using vehicles to drop off.

The below 18 persons have discussed the issues and requested to be included in the endorsement of the reasons for the objection outlined collectively.

Yours sincerely

***Letter submitted on behalf of 18 "Other Persons"***

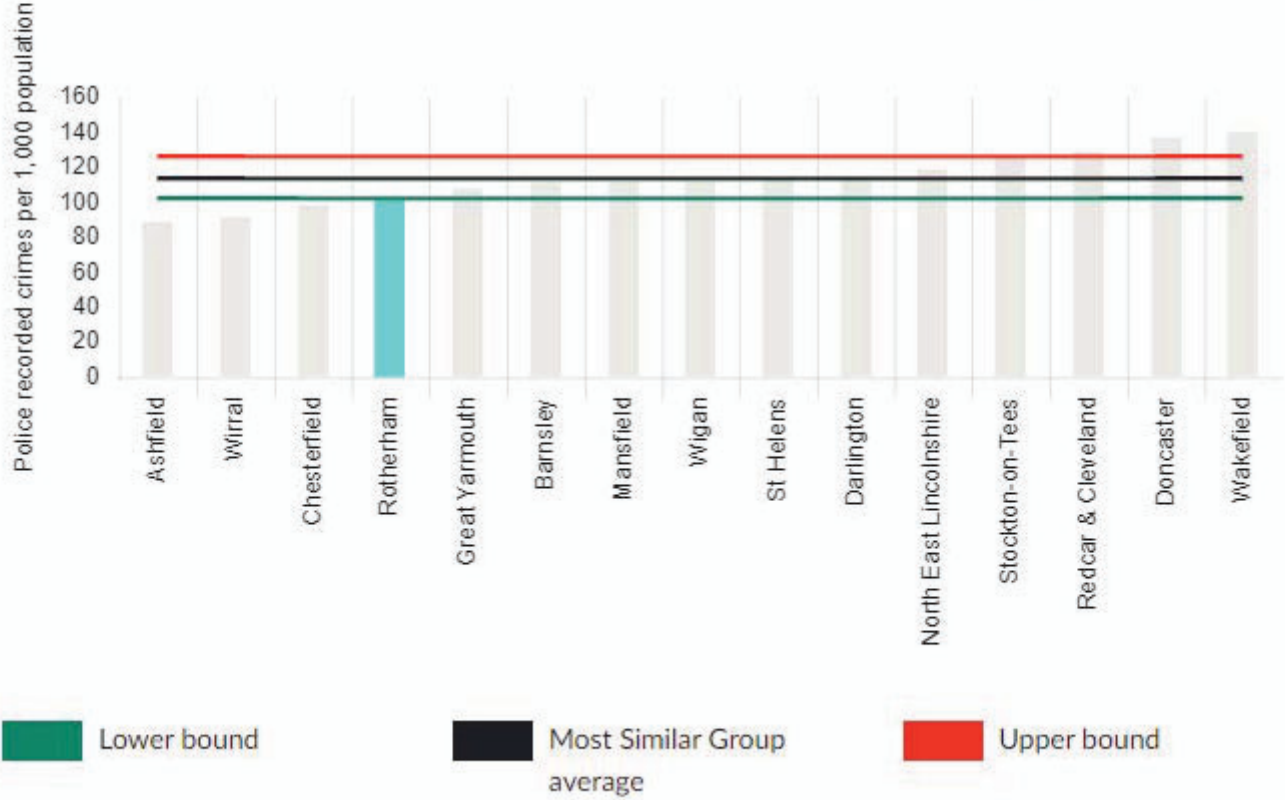
# Crime in Rotherham compared with crime in similar areas

In the year ending June 2023, the crime rate in Rotherham was about the same as the average crime rate across similar areas.

Edit crime type

All Crime ▼

Update



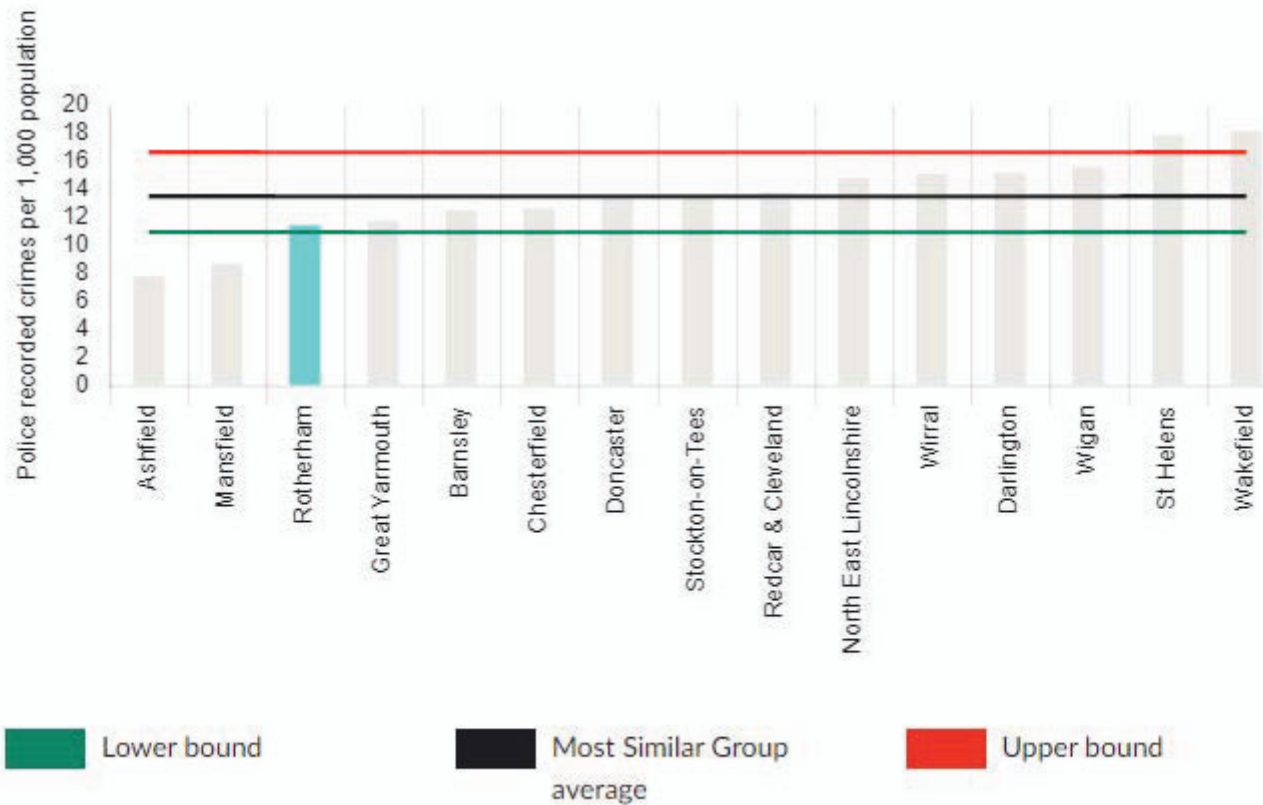
## Crime in Rotherham compared with crime in similar areas

In the year ending June 2023, the public order offence rate in Rotherham was about the same as the average public order offence rate across similar areas.

Edit crime type

Public order

Update



## Crime in Rotherham compared with crime in other areas in the South Yorkshire force area

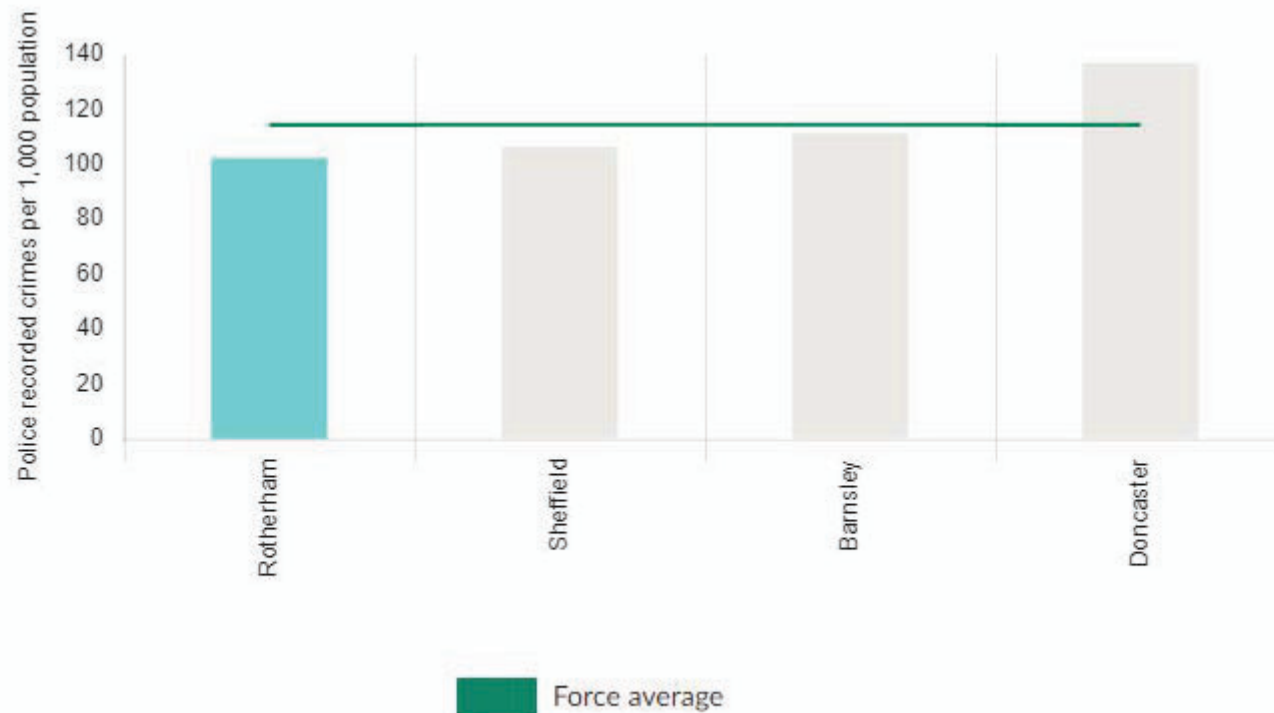
In the year ending June 2023, the crime rate in Rotherham was lower than average for the South Yorkshire force area.

Edit crime type

All Crime



Update



## Crime in Rotherham compared with crime in other areas in the South Yorkshire force area

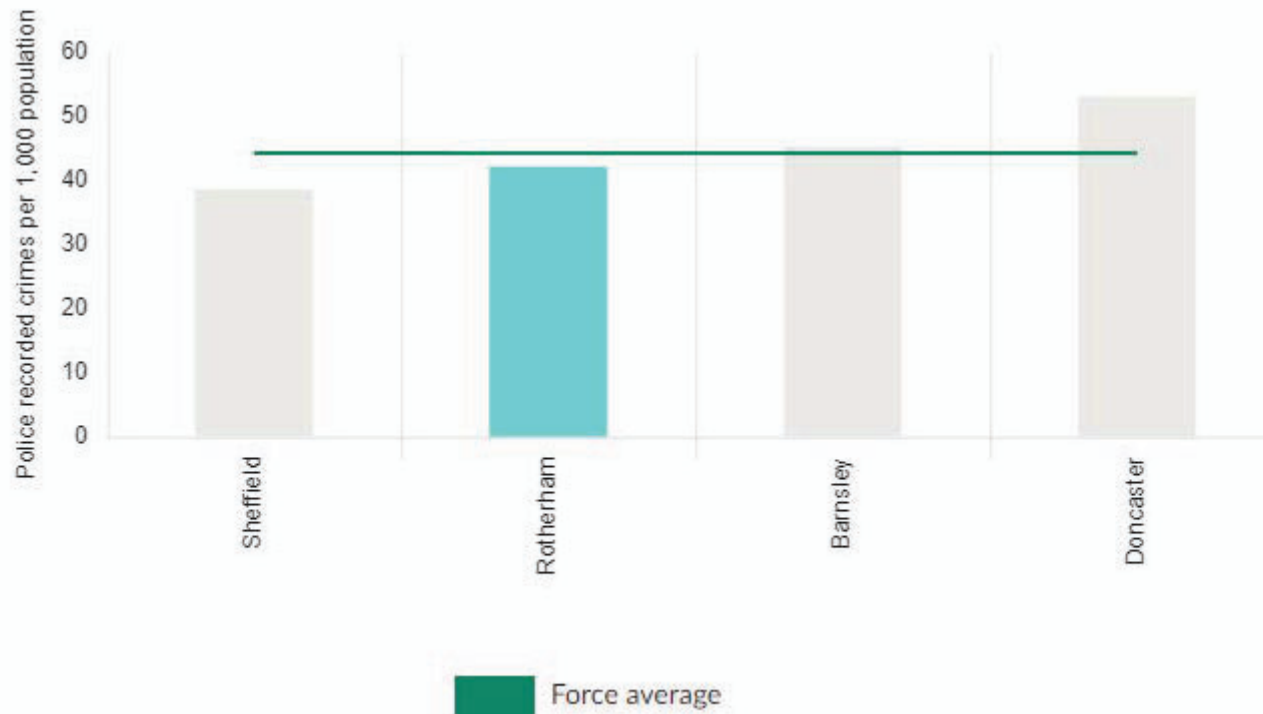
In the year ending June 2023, the violence and sexual offences crime rate in Rotherham was lower than average for the South Yorkshire force area.

Edit crime type

Violence and sexual offences



Update



## Crime in Rotherham compared with crime in similar areas

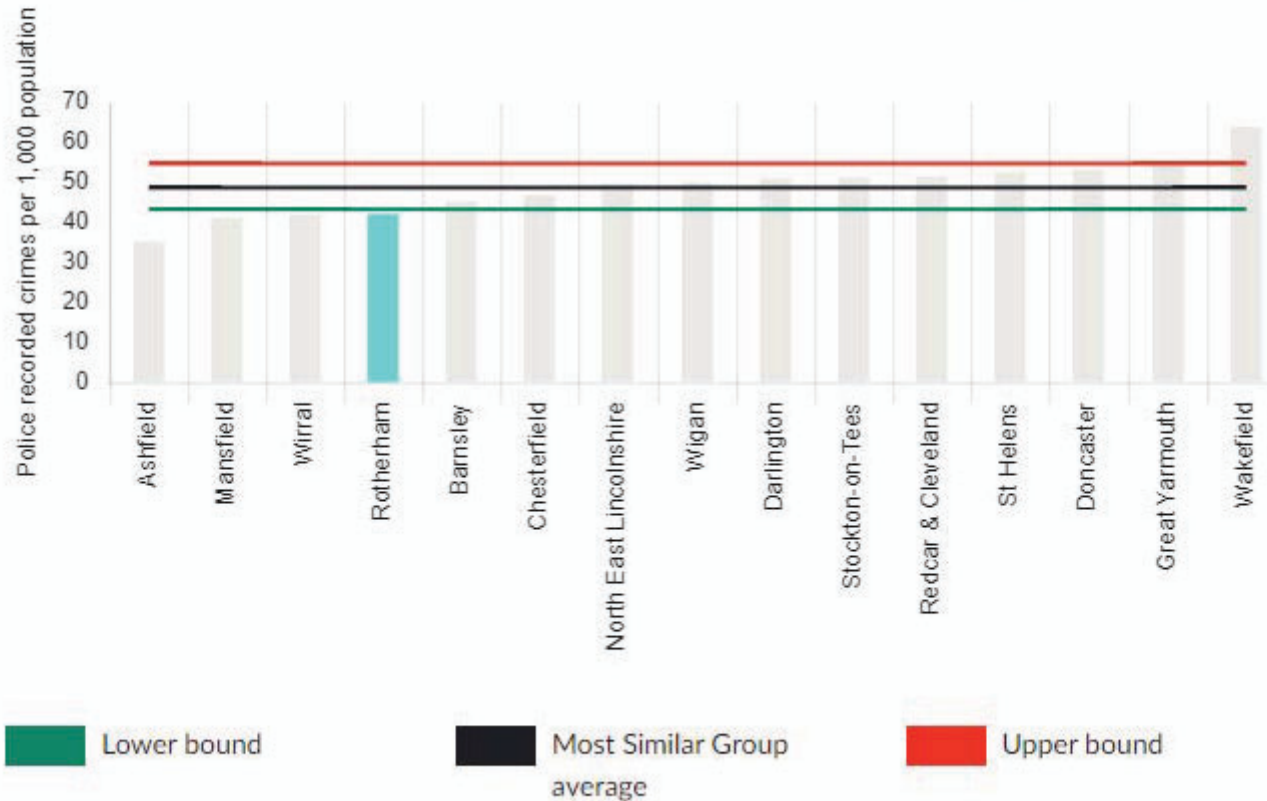
In the year ending June 2023, the violence and sexual offences crime rate in Rotherham was lower than the average violence and sexual offences crime rate across similar areas.

Edit crime type

Violence and sexual offences



Update



This page is intentionally left blank





**THE**  
**LICENSING GUYS**  
KEEPING YOU LEGAL AND TRADING

**Crime & ASB Data  
for 67 Wellgate  
ROTHERHAM  
May to October 2023**

Source: Police.UK website compiled from data sent by SYP to Home Office.

## May 2023

Click on a hotspot to see more details. Alternatively, [view as A-Z list](#).



Edit crime type and time period

All Crimes (1060)

May 2023

2 crimes were reported here in May 2023

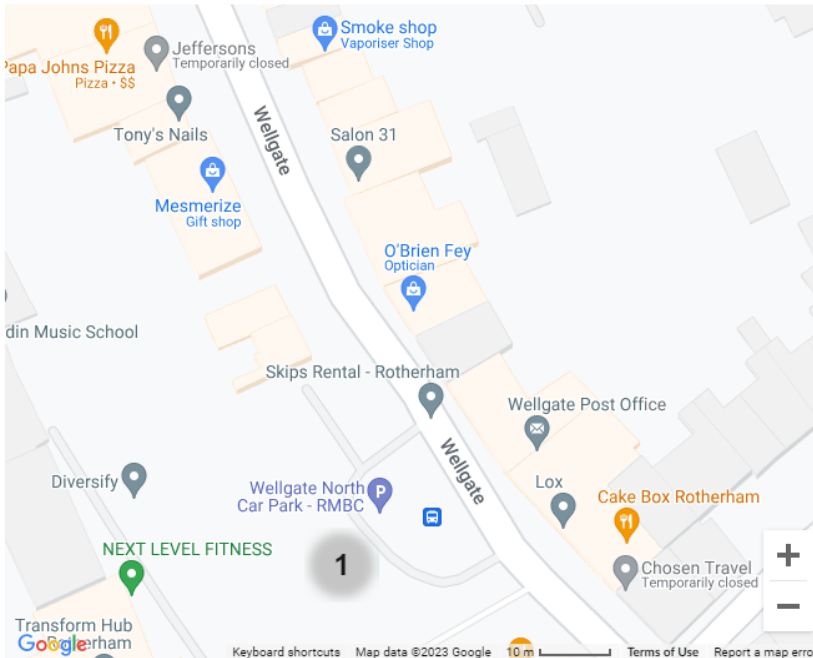
Anti-social behaviour 2

[View crime definitions](#)

[Download area crime data](#)

## June 2023

Click on a hotspot to see more details. Alternatively, [view as A-Z list](#).



Edit crime type and time period

All Crimes (992)

June 2023

1 crimes were reported here in June 2023

Other theft 1

[View crime definitions](#)

[Download area crime data](#)

## July 2023

Click on a hotspot to see more details. Alternatively, [view as A-Z list](#).



Edit crime type and time period

All Crimes (970)

July 2023

2 crimes were reported here in July 2023

Burglary 1

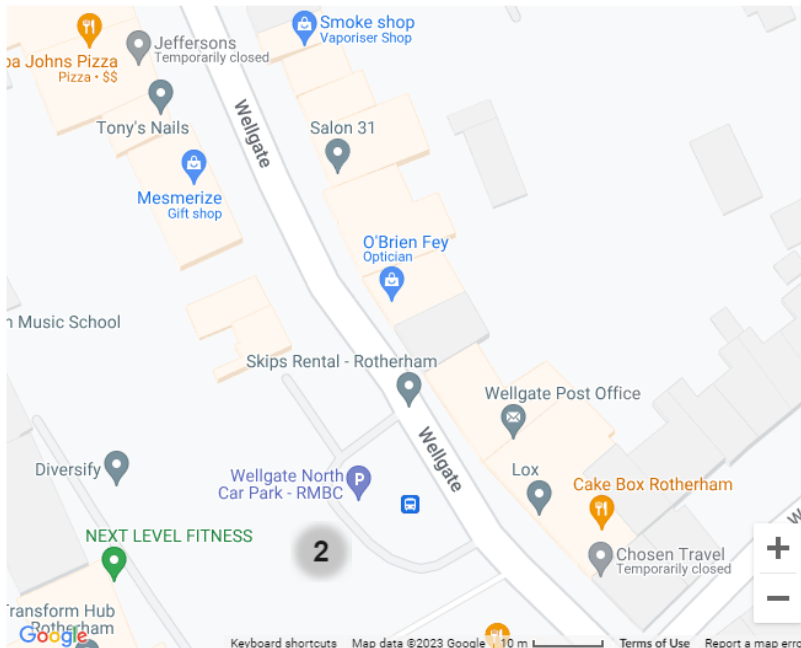
Violence and sexual offences 1

[View crime definitions](#)

[Download area crime data](#)

## August 2023

Click on a hotspot to see more details. Alternatively, [view as A-Z list](#).



Edit crime type and time period

All Crimes (969)

August 2023

2 crimes were reported here in August 2023

Possession of weapons 1


Violence and sexual offences 1

[View crime definitions](#)

[Download area crime data](#)

## September 2023

Click on a hotspot to see more details. Alternatively, [view as A-Z list](#).



**Edit crime type and time period**

All Crimes (985)

September 2023

4 crimes were reported here in September 2023


Public order	2
Shoplifting	2

[View crime definitions](#)

[Download area crime data](#)

## October 2023

Click on a hotspot to see more details. Alternatively, [view as A-Z list](#).



**Edit crime type and time period**

All Crimes (889)

October 2023

2 crimes were reported here in October 2023

Anti-social behaviour	1
Other theft	1

[View crime definitions](#)

[Download area crime data](#)

## Digest of Crime &amp; ASB Stats around 67 Wellgate, ROTHERHAM

	ASB	Public Order	Shoplifting	Other Theft	Violence /Sexual	Burglary	Weapons	Total
May	2							2
June				1				1
July					1	1		2
Aug					1		1	2
Sep		2	2					4
Oct	1			1				2
<b>Total</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>13</b>

Therefore there have been 13 Crimes or ASB incidents recorded in the locality of 67 Wellgate in 6 months.

That equates to 2.2 incidents per calendar month or 1 incident per fortnight.

One ASB Incident is recorded every 2 months.

One Public Order Incident is recorded every 3 months.

One Shoplifting Incident is recorded every 3 months.

One Other Theft Incident is recorded every 3 months.

One Burglary is recorded every 6 months.

One Possession of an Offensive Weapon is recorded every 6 months.

This page is intentionally left blank