

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

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

Name of premises licence holder or club holding club premises certificate (if known) Miss Saima Hussain

Number of premises licence or club premises certificate (if known) PO916
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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) 01709 822346
E-mail address (optional) Keeley.ladlow@rotherham.gov.uk

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 15th August 2013.

On 2nd December 2015 the premises licence was transferred to the current remises licence holder.

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, 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 3rd June 2020. On 4th 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 4th 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 30th 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 **26th April 2021**
.....

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

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

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.