

**LICENSING SUB-COMMITTEE
9th October, 2023**

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

CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.51 OF THE LICENSING ACT 2003) TO REVIEW THE PREMISES LICENCE IN RESPECT OF JOHN BULL STORES, 44 HIGHTHORN ROAD, KILNHURST, ROTHERHAM, S64 5UP

Consideration was given to an application made (in accordance with Section 51 of the Licensing Act 2003) by the Trading Standards Service for the review of the Premises Licence currently in force in respect of John Bull Stores, 44 Highthorn Road, Kilnhurst, Rotherham S64 5UP.

The application under consideration for the review of the Premises Licence was made on 18th August, 2023, on behalf of the Council's Trading Standards Service seeking revocation of the Premises Licence on the grounds that the Licence Holder, Mr. Vinithan Selvaratnam, was failing to promote 3 of the licensing objectives namely:-

- The prevention of crime and disorder
- Public safety
- The protection of children from harm

Consultation on the application had been carried out in accordance with all statutory requirements and the Council's procedure. At the end of the prescribed 28 days period, representations in support of the review application were lodged on behalf of the Licensing Authority.

It was also noted that a letter supporting the review had been submitted by South Yorkshire Police.

On 17th March, 2023, an intelligence report was received from South Yorkshire Police stating that the John Bull Convenience Store was selling ELUX Vapes 3500 puffs (illegal e-cigarettes). The report stated that, although the products were not on open display, there was a catalogue in the shop from which customers could pick a flavour and they would be sold the item from "under the counter". Further intelligence was received from the local Academy regarding vapes seized from children who had identified the store as one of several shops selling them.

A joint Trading Standards and Police visit was made to the premises on 19th May, 2023, where a large amount of e-cigarette packaging was observed outside the entrance door. Display cabinets inside the shop were stocked of what appeared to be illegal oversized e-cigarettes i.e. over 600 puffs (legal requirement for disposal e-cigarettes was a

maximum capacity of 2 ml of liquid which on average delivered approximately 600 puffs/inhalations).

The Licence Holder and Designated Premises Supervisor, Mr. Selvaratnam, was not present in the shop. A Responsible Retailer advice pack was left with the gentleman working in the shop.

A further visit was made to the premises on 11th July, 2023, where a quantity of illegal e-cigarettes were discovered. The Licence Holder was again not on the premises but arrived one hour later. The Licence Holder advised Trading Standards that his premises would not be financially viable without the income from the vapes. 626 illegal e-cigarettes were seized with an approximate retail value of £5,008.00.

Mr. Suresh Kanapathi (ARKA Licensing) and Mr. Selvaratnam (Premises Licence Holder) addressed the concerns raised by the Trading Standards Service and Licensing Authority. 22 proposed conditions were also submitted for addition to the licence which was hoped would alleviate the issues stated.

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 protection of children from harm.

Resolved:- That, after due consideration of the application for review and to the representations received, the Premises Licence for the premises known as John Bull Stores, 44 Highthorn Road, Kilnhurst, Rotherham S64 5UP, be revoked with immediate effect.