

LICENSING SUB-COMMITTEE
23rd July, 2024

Present:- Councillor Beresford (in the Chair); Councillors T. Collingham and Steele.

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 HAPPY LOCAL SITUATED AT 98A CLAYPIT LANE, RAWMARSH, ROTHERHAM S62 5JL

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 premises to be known as Happy Local situated at 98A Claypit Lane, Rawmarsh, Rotherham S62 5JL.

The applicant, Mr. Kvinder Kumar, was seeking authorisation to allow the sale of alcohol for consumption on every week day between 08:00 hours and 22:00 hours. He had named himself as the Designated Premises Supervisor and already held a Personal Licence issued by the Council.

Mr. Kumar was present at the hearing together with Mr. Robert Jordan, applicant's representative.

Mr. Kumar was assisted by an interpreter sourced by the Local Authority.

Consultation on the application had been carried out in accordance with all statutory requirements and the Council procedure. During the consultation period 19 "Other Persons" had made relevant representations to the application all opposing the granting of the application. A petition in opposition to the application containing 563 signatures had also been received objecting to the application on the grounds of:-

- Nuisance caused by the new premises will deter customers from entering the local area and the steps proposed by the applicant were inadequate
- Nuisance caused by double parking/deliveries would impact on residents, any pedestrians and road users. This caused a detrimental threat to public safety
- Failure to protect children from harm. Due to a restricted view of on-coming traffic, children were likely to walk between parked cars to cross the main road
- in 2023 187 anti-social crimes in Rawmarsh were reported that involved alcohol. Rawmarsh was considered one of the top 5 most dangerous places within South Yorkshire so why encourage this behaviour by approving and promoting a fourth business which supplied alcohol all on the same street

There had been no representations received from the Responsible Authorities.

2 of the petition signatories were in attendance at the meeting.

The applicant had engaged with the Licensing Service and had offered to put in place a number of management controls should the application be granted. These management controls would be made a condition of Annex 2 of any licence granted i.e.:-

1. There shall be a suitable colour digital CCTV recording system in operation at the premises which shall be capable of providing 28 days recording.
2. CCTV images recorded shall be retained for 28 days and made available to the Police or other enforcement agencies upon reasonable request (within 48 hours) in line with data protection legislation. DVD/USB copies of relevant CCTV footage shall be provided to the Police or other enforcement agencies at no cost.
3. A "Challenge 25" scheme shall be operated whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is either a:
 - a. Biometric Home Office photo ID
 - b. European National ID Card
 - c. Military ID
 - d. Veterans ID
 - e. Passport (UK or International)
 - f. Photo Driving Licence (UK or European)
 - g. Proof of Age Standards Scheme (PASS) Card
4. Where Home Office approved digital proof of identity or age assurance technology is in use, this condition applies only when confirming that a person is 18 years or older following a failure of that technology to do so.
5. The premises shall clearly display signs that a 'Challenge 25' Policy is in force.
6. The licence holder shall ensure that a refusal register is kept on the premises and that this shall be immediately available upon request of an authorised officer. The register shall record any refused sale of alcohol.
7. Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.

8. All staff involved in the sale of alcohol shall undertake staff training. Staff training shall be recorded and updated every 6 months. Training shall cover the requirements for ID as part of age verification and other matters regarding the Licensing Act 2003 relevant to the staff members role in the premises.

The Council's Development Control Service had confirmed that planning permission would not be required to change the use of the fish and chip shop into a shop under Part 3 Class A of the Town and Country Planning General Permitted Development Order.

The 2 petition signatories presented their objections to the application:-

- Increasing number of drink and disorder crimes in the Rawmarsh area and the associated health/crime related costs
- The applicant was not local to the area and did not know the community
- Fear of the intention to undercut other shop prices giving easier access to alcohol and not promoting safe and responsible drinking
- The prevalence of drugs in the area

In response to questions, the applicant provided the following information:-

- Mr. Kumar had worked in a Rotherham shop for 3 years and had experience of dealing with customers, training staff, Challenge 25 etc.
- There would be CCTV outside the premises so would be able to observe who was coming into the shop
- Crime statistics appeared to show no recorded crime within 15 m of the property
- As the premises was not open as yet, the majority of the objections were speculative relating to fears/concerns/issues rather than evidence based
- The shop opposite appeared to be trading without any issues
- Initially it would only be Mr. Kumar working in the shop

Resolved:- That the application for the grant of a Premises Licence in respect of premises to be known as Happy Local situated at 98A Claypit Lane, Rawmarsh, Rotherham S62 5JL, be approved subject to the above conditions with the addition of:-

- CCTV coverage inside the premises to include the sales counter;
- That staff training be undertaken prior to the new employee commencing employment.