

Public Document Pack



MEETING:	Statutory Licensing Regulatory Board Sub-Committee
DATE:	Friday, 24 September 2021
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

AGENDA

1 Appointment of Chair

2 Declaration of Interests

To receive any declarations of pecuniary or non-pecuniary interest from Members in respect of items on this agenda.

3 Procedure Document (*Pages 3 - 4*)

4 Application for a Review of a Premises Licence - Lifestyle Express, Gawber (*Pages 5 - 74*)

The Principal Officer (Licensing) will submit a report on an application on behalf of the Chief Constable, South Yorkshire Police, for a review of the Premises Licence in relation to Lifestyle Express, 49, Rowland Road, Gawber.

To: Chair and Members of Statutory Licensing Regulatory Board Sub-Committee:-

Councillors Green, Clarke, and Wilson together with Councillor Bowser (Reserve Member)

Shokat Lal, Executive Director Core Services
Sajeda Khalifa, Solicitor
Kate Liddall, Senior Licensing Officer
Debbie Bailey, Regulatory Services Field Officer
Garry Kirk, Service Director Legal Services
John Whittaker, Senior Legal Officer

Please contact William Ward on email governance@barnsley.gov.uk

Thursday 9th September, 2021

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Item 4

STATUTORY LICENSING REGULATORY BOARD SUB-COMMITTEE

PROCEDURE FOR CONDUCT OF REVIEW HEARINGS

Chair to open meeting and outline procedure:-

1. Service Director Legal Services to present the Local Authority report outlining the application and any relevant representations:-
 - (i) Members to ask relevant questions
 - (ii) Appellant/Representative to ask relevant questions
 - (iii) Responsible Authorities/Interested parties to ask relevant questions
2. Any parties making representations to address the Sub-Committee:-
 - (i) Members to ask relevant questions
 - (ii) Service Director to ask relevant questions
 - (iii) Appellant/Representative to ask relevant questions
3. Appellant/Representative to present their case:-
 - (i) Members to ask relevant questions
 - (ii) Service Director Officer to ask relevant questions
 - (iii) Responsible Authorities/Interested parties to ask relevant questions
4. Summing up of the Responsible Authorities/interested parties' evidence (no new evidence at this stage).
5. Summing up of the Appellant/Representative case (no new evidence at this stage)
6. All parties to retire.
7. Sub-Committee to make decision.
8. All parties invited back into the meeting and decision announced.

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Item 4

BARNSELY METROPOLITAN BOROUGH COUNCIL

Report of the Principal Officer (Licensing) to the meeting of the Statutory Licensing Regulatory Board Sub Committee to be held on the 24 September 2021

LICENSING ACT 2003 APPLICATION FOR A REVIEW OF A PREMISES LICENCE

Lifestyle Express, 49 Rowland Road, Gawber, Barnsley

1. Background

- 1.1 On 4 August 2021, an application was received from South Yorkshire Police, as a Responsible Authority under the provisions of Section 51 of the Licensing Act 2003, to review the above premise licence.
- 1.2 Members are requested to determine the application for the review of the premises licence.
- 1.3 The premise currently operates as a shop selling groceries, general goods and alcohol in a residential area.

2 Premises Licence

- 2.1 The premises licence has been held by Mrs Amutha Ravikumar since 6 November 2014, as set out in Appendix 1.

a) Supply of Alcohol

The premises licence concerned in this review application is authorised for the sale of alcohol by retail for consumption off the premises only. The timings authorised to undertake this licensable activity are:

Monday to Saturday 11:00 until 23:00

Sunday 11:00 until 22:30

b) Opening Hours of the Premise

Monday to Sunday 07:30 until 23:00

There are a no additional conditions attached to Annex 2 of the Operating Schedule within the Premise Licence.

3 The Application for a Review of the Premises Licence

3.1 On the 4 August 2021, an application was made by Kirsty Green (on behalf of the Chief Constable of South Yorkshire Police) as a Responsible Authority to review the Premises Licence in respect of Lifestyle Express, 49 Rowland Road, Gawber, Barnsley, as set out in Appendix 2. The application for review relates to the following licensing objectives:-

- a) Protection of Children from Harm
- b) Prevention of Crime and Disorder
- c) Prevention of Public Nuisance

4 Grounds for Review

Details of the grounds for review are contained within Part 3 of Appendix 2, where several references have been made in relation to the sale of alcohol to children under the age of 18.

4.1 Further supporting information is provided in the form of:

- a) Information sheet – supporting evidence
- b) Statement – Licensing Enforcement Officer
- c) SYP Incident 0321 01.04.2021
- d) Statement – PC Van Dome (Failed Test Purchase 11.06.21)
- e) Copy of Fixed Penalty ticket issued 11.06.21
- f) Action Plan – Signed by licence holder Amutha Ravikumar on 22.06.21
- g) Information Pack Receipt – Signed by Amutha Ravikumar on 22.06.21
- h) Statement – PC Fairhurst (Failed Test Purchase 16.07.21)
- i) SYP Incident 0863 21.07.2021
- j) Statement – Tessa – Father of 13 year old – alcohol purchase 21.07.21

- k) Statement – Matthews – Resident Impact
- l) Statement – PC Littlewood – exhibit image of 13 year old (JAL 1)
- m) Image of 13 year old – (exhibit JAL 1 – will be available to view at the hearing)
- n) Disc – CCTV – alcohol sale 21.7.21 (will be available to view at the hearing)
- o) Cumulative Impact Statement – PS Hepplestone

4.2 A copy of the above documents are attached as Appendix 3.

5 Responsible Authorities/Interested Parties

5.1 Comments have been received from Stephen Butler, Environmental Health Officer, (Health & Safety - Regulatory Services) in respect of the following licensing objectives:

- a) Public Safety
- b) Protection of Children from Harm

5.2 A copy of Mr Butler's chronological report detailing numerous concerns raised, the prohibition notice which he served and a plan of action received from Navinkh Ravikumar are set out in Appendix 4.

5.3 No other comments have been received from Interested Parties concerned with this matter.

6 Compatibility with the European Convention on Human Rights

The decision of the Board will amount to a determination of the Council and the rights of the applicant. Therefore, as far as it is possible to do so, the Board must comply with the requirements of Article 6 (the right to a fair trial). This means the applicant should be afforded the right to make oral representations at the meeting.

If Members decide to revoke or amend the licence then the reasons for the decision must be clearly stated.

7 Options available to the Statutory Licensing Sub-Committee

The Board must, having regard to the application for review and any relevant representations, take such steps mentioned below as it considers necessary for the promotion of the licensing objectives.

The steps are:

- a) To modify the conditions of the licence;
- b) To exclude a licensable activity from the scope of the licence;
- c) To remove the Designated Premises Supervisor;
- d) To suspend the licence for a period not exceeding three months;
- e) To revoke the licence;

And for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

8 Financial Implications

N/A

9 List of Appendices

Appendix 1 – Premise Licence

Appendix 2 – Application to Review Premises Licence

Appendix 3 – South Yorkshire Police Supporting Documentation

Appendix 4 – Health & Safety Comments

Officer Contact: Debbie Bailey **Telephone No.** 07786525961 **Date:** 8 September 2021

Culture and Regulation
Mr Phillip Spurr - Assistant Director,
Regulatory Services, PO Box 602, Barnsley, S70 9FB
Tel: (01226) 773743 Fax: (01226) 775699

Mrs Amutha Ravikumar
Lifestyle Express
49 Rowland Road
Barnsley
South Yorkshire
S75 2PF

My Ref: MAU 003832
Your Ref:
Enquiries to: Licensing Section
Email: regulatoryservices@barnsley.gov.uk
Dial Direct: (01226) 772468
Fax: (01226) 775699
Date: 7 November 2014

Dear Madam,

Licensing Act 2003, Sections 42 and 37
Application for a Premises Licence
Lifestyle Express, 49 Rowland Road, Barnsley, South Yorkshire, S75 2PF

With regard to the above, I enclose the Premises Licence and Premises Licence Summary.

The premises licence became effective on 24 November 2005.

Under the provisions of the Licensing Act 2003 you may, in certain circumstances, have a right of appeal against some or all of the Licensing Authority's decisions made in respect to your application. Appeals should be made to the Magistrates' Court for the area in which the premises are situated, within twenty one days of receiving the premises licence.

If you need advice on the appeal procedure, you should contact the court, but please note court staff cannot give you legal advice. If you need legal advice, for example about the likely success of an appeal, you should contact a solicitor or a Citizens Advice Bureau immediately.

If you consider there is a mistake in the premises licence or the premises licence summary, the Licensing Authority will correct anything which it accepts as being a clerical mistake. If you believe there is such a clerical mistake, please contact us. This does not affect your right to appeal.

The premises licence will last indefinitely unless it is surrendered or revoked, but will lapse in the event of the death of the holder of the premises licence or upon the licence holder becoming mentally incapable or financially insolvent.

An annual fee is payable on the anniversary of the grant of the licence, unless the premises are a school or community building (e.g. village hall) and the licence is granted in respect of regulated entertainment only. We will send you a reminder for the payment of the annual fee and advise you of what sum is then payable. The fees are set by Government and may be subject to change.

Finally, there are specific provisions in section 57 of the Licensing Act 2003 concerning the requirements for keeping, displaying and producing the premises licence and premises licence summary whenever the premises are used for any licensable activity authorised by the licence. A brief summary of these requirements is set out below for your convenience:

Premises Licence

The holder of the premises licence must ensure that the premises licence (or a certified copy of it) is kept at the premises and is either in the custody or control of the holder of the premises licence or some other specific person who works at the premises (e.g. manager).

Premises Licence Summary

The holder of the premises licence must ensure that the premises licence summary (or a certified copy of it) is prominently displayed at the premises and, if the premises licence (or a certified copy of it) is in the custody of someone other than the holder of the premises licence, a notice must also be prominently displayed stating the position (e.g. manager) of that person.

Duty to Produce

A police constable or an authorised officer (e.g. a Council licensing officer) may require such person who has custody of the premises licence (i.e. the holder of the premises licence or such other nominated person, as referred to above) to produce the licence for examination.

Offences

The holder of a premises licence commits an offence if they fail to comply with the above requirements relating to a premises licence and / or a premises licences summary. Anyone who has custody or control of the premises licence (i.e. the holder of the premises licence or such other nominated person, as referred to above) commits an offence if they fail, without reasonable excuse, to produce the licence in accordance with a requirement under the above duty to produce. A person guilty of an offence under section 57 is liable on summary conviction to a fine.

If you have any queries on this matter please contact the Licensing Section on 01226 772468.

Yours faithfully,

Jacqueline Dodds
Licensing Technician



BARNSLEY METROPOLITAN BOROUGH COUNCIL

**PREMISES LICENCE
LICENSING ACT 2003**

**Schedule 12 Part A
Regulation 33, 34**

Premises Licence Number	003832
Date of Grant	24 November 2005
Premises Address	Lifestyle Express 49 Rowland Road Barnsley South Yorkshire
Postcode	S75 2PF
Telephone Number	01226 207667
Activities authorised by this licence	The sale by retail of alcohol
Times authorised to undertake licensable activities	
Supply of Alcohol	Supply of alcohol permitted: Monday to Saturday from 11:00 until 23:00 Supply of alcohol permitted: Sunday from 11:00 until 22:30 Licensed for the sale of alcohol for consumption off the premises.
Conditions consistent with a former Children's Certificate under Section 168A of the Licensing Act 1964	Not applicable
Embedded Restrictions	Not applicable
There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises of an adult nature unless they are specified below:	None Specified
Opening Hours of the Premises	Hours premises are open to the public: Seven days a week from 07:30 until 23:00
Whether the supplies of alcohol are for consumption on and/or off the premises	Alcohol-Off The Premises
Name, (registered) address, telephone number and email(where relevant) of premise licence holder	Mrs Amutha Ravikumar Lifestyle Express 49 Rowland Road Barnsley S75 2PF

Registered Number of Company if Applicable	Not applicable
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Designated Premises Supervisor <i>(This section will be blank if the licence does not authorise the sale of alcohol)</i>	
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Name and Address of the designated premises supervisor	Mrs Amutha Ravikumar 40 Caxton Street Barnsley 07456757455
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Post Code	S70 2LF
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Personal Licence Number and issuing authority of the personal licence held by the designated premises supervisor	081720 Barnsley Metropolitan Borough Council
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REGULATORY SERVICES TEL: 01226 772468



BARNSLEY METROPOLITAN BOROUGH COUNCIL

PREMISES LICENCE SUMMARY

Premises Licence No.	003832
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Premises Address:	Lifestyle Express 49 Rowland Road Barnsley South Yorkshire
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Postal Code	S75 2PF
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Telephone Number	01226 207667
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Activities authorised by this licence
--

The sale by retail of alcohol

Times authorised to undertake licensable activities
--

Hours premises are open to the public: Seven days a week from 07:30 until 23:00

The opening hours of the premises
--

Hours premises are open to the public: Seven days a week from 07:30 until 23:00

Where the licence authorises supplies of alcohol whether these are for consumption on and/or off premises
--

Alcohol-Off The Premises

Granted on: 24 November 2005



BARNSELY METROPOLITAN BOROUGH COUNCIL

PREMISES LICENCE

Part B

Premises Licence Number	003832
Name, (registered) address, telephone number and email(where relevant) of premise holder	Mrs Amutha Ravikumar Lifestyle Express 49 Rowland Road Barnsley S75 2PF
Registered Number of Company if Applicable	Not applicable
Name and Address of the designated premises supervisor	Mrs Amutha Ravikumar Lifestyle Express 49 Rowland Road Barnsley
Post Code	S75 2PF
Personal Licence Number and issuing authority of the personal licence held by the designated premises supervisor	081720 Barnsley Metropolitan Borough Council

REGULATORY SERVICES TEL: 01226 772468

ANNEX 1

MANDATORY CONDITIONS

LICENSING ACT 2003

Licence ref no.	
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1. Supply of Alcohol

Where this Licence authorises the supply of alcohol the following conditions will apply:

- a) No supply of alcohol may be made under the premises licence-
 - i) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - ii) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. Door Supervision

Where this Licence includes a condition that one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

3. Exhibition of Films

Where this licence authorises the exhibition of films the following conditions will apply:

- Where any film exhibited has an age restriction classification the admission of children (any person aged under 18) must be restricted in accordance with any recommendation made by the film classification body in respect of the film.
- Where the film classification body and or age restriction is not specified in respect of a film or the licensing authority has notified the holder of the licence that this condition applies to the film in question admission of children (any person aged under 18) must be restricted in accordance with any recommendation made by the licensing authority.

4. Irresponsible Promotions (On Licenced Premises only)

- 1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - i) the outcome of a race, competition or other event or process, or
 - ii) the likelihood of anything occurring or not occurring;
 - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favorable manner.

5. Dispensing of Alcohol Directly into the Mouth (On Licenced Premises only)

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. Tap Water (On Licenced Premises only)

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. Age Verification Policy

- 1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol,
- 2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

8. Measures (On Licenced Premises only)

The responsible person shall ensure that—

- 1) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - i) beer or cider: ½ pint;
 - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii) still wine in a glass: 125 ml; and
- 2) customers are made aware of the availability of these measures.

9. Alcohol Pricing and Duty

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 8—

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula—

where—

- (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

9. Alcohol Pricing and Duty (continued)

- (f) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (g) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2

Conditions consistent with the Operating Schedule

Licence ref no. 003832

Not Applicable

ANNEX 3

Conditions attached after a hearing by the Licensing Authority

Licence ref no. 003832

Not Applicable

ANNEX 4

Plan of the Premises to which this Licence relates:

Plan as per appendix 1
(See attached)

[Insert name and address of relevant licensing authority and its reference number (optional)]

**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, Kirsty Green (for and on behalf of the Chief Constable, South Yorkshire Police)
apply for the review of a Premises licence under section 51 / apply for the review
of a club premises certificate under section 87 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 club premises, or if none, ordnance survey map reference or description. Lifestyle Express, 49 Rowland Road, Gawber	
Post town Barnsley	Post code (if known) S75 2PF
Name of premises licence holder or club holding club premises certificate (if known) Amutha Ravikumar	
Number of premises licence or club premises certificate (if known) 003832	

Part 2 – Applicant details

I am

Please tick yes

1) an interested party (Please complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (c) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(For example, Rev)

Surname First names

Please tick yes

I am 18 years old or over

Current address

Post Town Post Code

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address South Yorkshire Police Barnsley Police Headquarters Churchfield Barnsley S70 2DL
Telephone number (if any) 01226 736046
E-mail (optional) John.Kirkham@southyorks.pnn.police.uk / kirsty.green@southyorks.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes Y

- | | |
|---|---|
| 1) the prevention of crime and disorder | Y |
| 2) public safety | |
| 3) the prevention of public nuisance | Y |
| 4) the protection of children from harm | Y |

<p>Please state the ground(s) for the review (please read guidance note 1)</p> <p>The grounds for this review are based on the following aspects of the 2003 Licensing Act objectives:-</p> <p>Prevention of crime and disorder Prevention of Public Nuisance Protection of Children from Harm</p>

Please provide as much information as possible to support the application (please read guidance note 2)

Evidence to support this application centres around the protection of children from harm and the prevention of public nuisance. Recent history well show that :

On the **1st April 2021**, South Yorkshire Police received a complaint that alleged that the owner of the Lifestyle Express was selling to underage (SYP Incident 0321 01.04.2021)

On the **11th June 2021** at 18:32, Lifestyle Express failed a test purchase operation conducted by South Yorkshire Police. Kathiravelu Ravikumar served police volunteers with two bottles of Kopperburg. Mr Ravikumar was issued with a fixed penalty ticket for the offence.

On the **15th June 2021** telephone call made to the premises licence holder and DPS Amutha Ravikumar to discuss the failed test purchase on the 11th June. Advised regarding consequences of a further failure in 3 months and three failures in a 12-month period and arranged to visit to complete an action plan with her.

On the **22nd June 2021** licensing visit was conducted to complete the action plan with Amutha Ravikumar. Reiterated the consequences of another failure once again and provided her with a training pack. The action plan that was signed by Amutha Ravikumar.

On the **16th July 2021** at 19:36, Lifestyle Express failed a second test purchase operation conducted by South Yorkshire Police. Kathiravelu Ravikumar served police volunteers with a WKD Blue.

On the **20th July 2021** telephone call made to Amutha Ravikumar regarding failed test purchase on the 16th July. The consequences of this were explained and she was advised what would happen should they fail again within the next 12 months.

On the **21st July 2021**, South Yorkshire Police received a complaint that a 13 year old had been sold alcohol from the shop which was consumed causing the young person to fall ill. (SYP Incident 0863 21.07.2021)

Please tick Y yes

Have you made an application for review relating to this premises before

If yes please state the date of the application

Day Month Year

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If you have made representations before relating to these premises please state, what they were and when you made them


Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities
In addition, the premises licence holder or club holding the club premises certificate,
as
Appropriate
- I understand that if it do not comply with the above requirements my application
Will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature 
Date..... 04/08/2021
Capacity
..... Licensing Enforcement Officer

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5) John Kirkham / Kirsty Green Licensing Enforcement Officers Barnsley Police Headquarters	
Post town Barnsley	Postcode S70 2DL
Telephone number (if any) 01226 736046	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) John.kirkham@southyorks.pnn.police.uk/Kirsty.green@southyorks.pnn.police.uk	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.

4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about the application.

Information Sheet/Chronology – Support of Application

On the 29th October 2014, Lifestyle Express failed a test purchase operation that was conducted by South Yorkshire Police.

On the 10th November 2014, Licensing Officer Michelle Hudson, local Neighbourhood Sergeant Andrew Froggatt, and I carried out a licensing visit. The purpose of the visit was to provide a training pack and to carry out an action plan with Amutha Ravikumar.

On the 20th January 2015, Lifestyle Express passed a test purchase operation that was conducted by South Yorkshire Police.

On the 11th March 2015, South Yorkshire Police received a complaint that two 12-year-old girls had been served alcohol in the premise.

On the 20th March 2015, Michelle Hudson visited the Lifestyle Express in relation to the allegations received on the 11th March 2015. Amutha Ravikumar and her husband were spoken with at the time and they denied making any such underage sale. They were unable to produce any refusals logs as they claimed that they had taken them home to photocopy.

On the 27th March 2015, Michelle Hudson visited the premise once again to find that refusals logs were now in place.

On the 27th April 2015, I visited with Licensing Officer from Barnsley Metropolitan Borough Council Rachel Fisher. Amutha Ravikumar was not present at the time of the visit therefore Mr Ravikumar was spoken with. Mr Ravikumar advised at the time that he did hold a personal licence however; he was unable to locate it. Upon inspection, not all relevant documentation linked to their premise licence was displayed and their refusal logs only documented refusals for cigarettes not alcohol. Mr Ravikumar was advised that information had been received that on Saturday evenings, underage had been trying to purchase alcohol from the shop and specific drinks including *Frosty Jacks* and *Sourz* had been mentioned. Mr Ravikumar denied there being a problem with underage in the shop. It was stressed to Mr Ravikumar that the challenge 25 policy should be practised when customers were trying to purchase alcohol.

On the 28th April 2015, a letter was sent to Amutha Ravikumar following the visit on the 27th April outlining points raised and improvement required.

On the 18th May 2015, I carried out a licensing visit with Rachel Fisher to find that all paperwork was now in order. I spoke with Amutha Ravikumar and explained that the Neighbourhood Team had raised concerns about underage in the area being in possession of alcohol. I reiterated the need to practice challenge 25 and advised that they must also refuse service to anyone that they suspected was buying alcohol and passing it onto someone that was underage, as this was also an offence. Amutha Ravikumar stated that she was not aware that they needed to do this.

On the 1st November 2017, the shop passed a test purchase operation that was conducted by South Yorkshire Police.

On the 15th February 2015, licensing check completed with BMBC Licensing Officer Martin Cooper all in order at the time of the visit.

On the 25th April 2019, the shop passed a test purchase operation that was conducted by South Yorkshire Police.

On the 31st October 2019, the shop passed a test purchase operation that was conducted by South Yorkshire Police.

On the 1st April 2021, South Yorkshire Police received a complaint that alleged that the owner of the Lifestyle Express was selling to underage.

On the 11th June 2021 at 18:32, Lifestyle Express failed a test purchase operation that was conducted by South Yorkshire Police. Kathiravelu Ravikumar served police volunteers aged 17 years old with two bottles of Kopperburg. Mr Ravikumar was issued with a fixed penalty ticket for the offence.

On the 15th June 2021 telephone call made to Amutha Ravikumar to discuss the failed test purchase on the 11th June. Advised regarding consequences of a further failure in 3 months and three failures in a 12-month period and arranged to visit to complete an action plan with her.

On the 22nd June 2021 licensing visit to complete the action plan with Amutha Ravikumar. Reiterated the consequences of another failure once again and provided her with a training pack and the action plan that was signed.

On the 16th July 2021 at 19:36, Lifestyle Express failed a test purchase operation that was conducted by South Yorkshire Police. Kathiravelu Ravikumar served police volunteers aged 16 years old with a WKD Blue.

On the 20th July 2021 telephone call made to Amutha Ravikumar regarding failed test purchase on the 16th July. I explained the consequences of this and explained what would happen should they fail again within the next 12 months. Amutha Ravikumar advised that she was going back to Sri Lanka for a family emergency and would be away for the next 2 weeks minimum. However, advised that they have had serious conversations regarding Mr Ravikumar serving alcohol due to the last two test purchase failures being a result of him serving.

On the 21st July 2021, South Yorkshire Police received a complaint that a 13 year old had been sold alcohol from the shop. CCTV Footage clearly showing the young person is available for committee members should they wish to view it. The footage shows the young person with friends prior to entering the store, entering the store alone, making the purchase

of alcohol and leaving the store. A photographic image is also available of the young person which can be viewed by the committee.

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WITNESS STATEMENT OF
KIRSTY GREEN
1ST STATEMENT
ON BEHALF OF THE APPLICANT

BEFORE THE LICENSING COMMITTEE
OF BARNSELY METROPOLITAN COUNCIL

IN THE MATTER OF A REVIEW OF
PREMISES LICENCE UNDER
SECTION 51 OF THE LICENSING
ACT 2003

CHIEF CONSTABLE OF SOUTH YORKSHIRE POLICE

Applicant

AND

AMUTHA RAVIKUMAR

Premises Licence Holder

WITNESS STATEMENT OF KIRSTY GREEN

1. I am Kirsty Green and I am a Licensing Enforcement Officer for South Yorkshire Police.
2. This statement relates to Lifestyle Express.
3. The premise is located at 49 Rowland Road, Barnsley.
4. The premise licence number 003832 relates to this.
5. The Premise Licence Holder is Amutha Ravikumar.
6. The Designated Premise Supervisor is Amutha Ravikumar.
7. Except where stated the information contained in this statement has been taken from Police's Smart Contact and Innkeeper systems.
8. On the 29th October 2014, Lifestyle Express failed a test purchase operation conducted by South Yorkshire Police.

9. On the 10th November 2014, Licensing Officer Michelle Hudson, local Neighbourhood Sergeant Andrew Froggatt, and I carried out a licensing visit. The purpose of the visit was to provide a training pack and to carry out an action plan with Amutha Ravikumar.
10. On the 20th January 2015, Lifestyle Express passed a test purchase operation conducted by South Yorkshire Police.
11. On the 11th March 2015, South Yorkshire Police received a complaint that two 12-year-old girls had been served alcohol in the premise.
12. On the 20th March 2015, Licensing Officer Michelle Hudson visited the Lifestyle Express in relation to the allegations received on the 11th March 2015. Amutha Ravikumar and her husband were spoken with at the time and they denied making any such underage sale. They were unable to produce any refusals logs as they claimed that they had taken them home to photocopy.
13. On the 27th March 2015, Licensing Officer Michelle Hudson visited the premise once again to find that refusals logs were now in place.
14. On the 27th April 2015, I visited with a Licensing Officer from Barnsley Metropolitan Borough Council, Rachel Fisher. Amutha Ravikumar was not present at the time of the visit therefore Mr Ravikumar was spoken with. Mr Ravikumar advised us at the time that he did hold a personal licence however he was unable to locate it. Upon inspection, not all relevant documentation linked to their premise licence was displayed and their refusal logs only documented refusals for cigarettes not alcohol. Mr Ravikumar was advised that information had been received that on Saturday evenings, underage persons had been trying to purchase alcohol from the shop and specific drinks including *Frosty Jacks* and *Sourz* had been mentioned. Mr Ravikumar denied there being a problem with underage in the shop. It was stressed to Mr Ravikumar that the challenge 25 policy should be practised when customers were trying to purchase alcohol.
15. On the 28th April 2015, a letter was sent to Amutha Ravikumar following the visit on the 27th April outlining points raised and improvement required.
16. On the 18th May 2015, I carried out a licensing visit with Rachel Fisher to find that all paperwork was now in order. I spoke with Amutha Ravikumar and explained that the Neighbourhood Team had raised concerns about underage persons in the area being in possession of alcohol. I reiterated the need to practice challenge 25 and advised that they must also refuse service to anyone that they suspected was buying alcohol and passing it onto someone that was underage, as this was also an offence. Amutha Ravikumar stated that she was not aware that they needed to do this.
17. On the 1st November 2017, the shop passed a test purchase operation conducted by South Yorkshire Police.

18. On the 15th February 2015, licensing check completed with BMBC Licensing Officer Martin Cooper all in order at the time of the visit.
19. On the 25th April 2019, the shop passed a test purchase operation conducted by South Yorkshire Police.
20. On the 31st October 2019, the shop passed a test purchase operation conducted by South Yorkshire Police.
21. On the 1st April 2021, South Yorkshire Police received a complaint alleging that the owner of the Lifestyle Express was selling to underage. (SYP Incident 0321 01.04.2021)
22. On the 11th June 2021 at 18:32, Lifestyle Express failed a test purchase operation that was conducted by South Yorkshire Police. Kathiravelu Ravikumar served police volunteers with two bottles of Kopparburg. Mr Ravikumar was issued with a fixed penalty ticket for the offence.
23. On the 15th June 2021 I made a telephone call to Amutha Ravikumar to discuss the failed test purchase on the 11th June. I advised regarding consequences of a further failure in 3 months and three failures in a 12-month period and arranged to visit to complete an action plan with her.
24. On the 22nd June 2021 I conducted a licensing visit to complete the action plan with Amutha Ravikumar. I reiterated the consequences of another failure once again and provided her with a training pack and the action plan that was signed.
25. On the 16th July 2021 at 19:36, Lifestyle Express failed a test purchase operation that was conducted by South Yorkshire Police. Kathiravelu Ravikumar served police volunteers with a WKD Blue.
26. On the 20th July 2021 telephone call made to Amutha Ravikumar regarding failed test purchase on the 16th July. I explained the consequences of this and explained what would happen should they fail again within the next 12 months. Amutha Ravikumar advised that she was going back to Sri Lanka for a family emergency and would be away for the next 2 weeks minimum. However, advised that they have had serious conversations regarding Mr Ravikumar serving alcohol due to the last two test purchase failures being a result of him serving.
27. On the 21st July 2021, South Yorkshire Police received a complaint that a 13 year old had been sold alcohol from the shop (SYP Incident 0863 21.07.2021)

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:**Name: Kirsty Green****Date: 26th July 2021**

RESTRICTED
SOUTH YORKS AND HUMBERSIDE

Incident Report

SYP-20210401-0321 (Closed)

01/04/2021 11:12:49 PSW 017 SUSPICIOUS CIRCS/ Description : SUSPICIOUS Grade :(3) Scheduled
 INSECURE CIRCS/INSECURE
 Source : 101 Officer Dealing : 747826 Operator : 747340 Creator Wkstr : CH74
 BD BD3 (433129 , 407395) Dispatcher :

Address Information

Corporate Name : ROWLAND EXPRESS ROWLAND EXPRESS
 Address : 49 ROWLAND RD , , OLD TOWN , S752PF
 Proximity : [X] Gazeteer Validation
 Location Comment :
 Premise Comment :

Theme

Disposal Code 1 : SUSPICIOUS CIRCS/
 INSECURE
 Disposal Code 2 :
 Disposal Code 3 :
 Disposal Code 4 :
 Disposal Code 5 :
 Disposal Code 6 :

Complainant Information

Name : [REDACTED] / Email :
 Address : [REDACTED]
 Role : THIRD PARTY / [N] DA / [N] Contact / [N] Vulnerable / [N] NPT / [N] Hate
 Ethnicity : / Date of Birth [REDACTED] / Sex [REDACTED]
 Notes : / Doctor Name : / Doctor Telephone : / Surgery :

Date / Time Information

Call Received	01/04/2021	11:12:49
Incident Created	01/04/2021	11:12:49
Address Validated	01/04/2021	11:12:49
Incident Confirmed	01/04/2021	11:13:35
Transfer Sent	01/04/2021	11:15:10
Transfer Accepted	01/04/2021	11:16:17
Resource Assigned	01/04/2021	12:44:39
Incident Disposed	01/04/2021	14:07:01

Alarm Details

Alarm No : Company Code : Company : Company Phone :
 Corporate Name :
 Occupier :
 Comment :

Qualifiers

Type : DISPOSAL QUALIFIERS Description : Alcohol
 Type : THEME Description : PUBLIC SAFETY

Unit Activity

BDH3	01/04/2021	12:44:39	8269	Assigned Incidents
ROWLAND EXPRESS, 49 ROWLAND RD, OLD TOWN S752PF SYP-20210401				

NDM Data Form (NDM1)

statement_text RATIONALE
 isr_no SYP-20210401-0321

RESTRICTED

ch_thrive_text REPORT OF SHOP SELLING ALCOHOL TO UNDERAGE CHILDREN, WITHOUT ASKING FOR ID. SUITABLE TO TASK.
 RISK - LOW
 VAF - NONE
 GRADING - SCHEDULED

ch_threat 3 LOW

ch_grade 3. SCHEDULED

dlsp_thrive_text

disp_threat

disp_grade

vfs_victims

vfs_location

vfs_subject

vfs_identity

vfs_capability

vfs_intent

vfs_immediacy

threat_level

power

tactics

action

strategy

tactical_grade

mod_date 20210401

mod_personnel_id 15862

mod_time 111443

revision_number 1

NDM Narrative

Incident No Relation

ASPIRE - INCIDENT RELATION 4DF20898-2AE0-4871-8F56-3475816E810F INCIDENT ASPIRE INTERFACE CREATED VIA CONTACT

PERSONS - CRM CALLER,6

Incident Comments

CRM CALLER [REDACTED]	01/04/2021	11:12:49	CH74	747340
CALL BACK ASSIST.	01/04/2021	11:12:55	CH74	747340
.	01/04/2021	11:12:55	CH74	747340
Caller is wanting to report a shop on Rowland Road, selling alcohol to underage children.	01/04/2021	11:12:55	CH74	747340
The shop is a Premier Shop - Rowland Road.	01/04/2021	11:12:55	CH74	747340
Callers friends daughter came in drunk a couple of times and has said this is where they are getting the alcohol from.	01/04/2021	11:12:55	CH74	747340
Staff are not challenging them for ID.	01/04/2021	11:12:55	CH74	747340
They are then going to Harry Road Fields to drink it	01/04/2021	11:12:55	CH74	747340
RPT=N VUL=N HATE=N	01/04/2021	11:13:35	CH74	747340
Caller states although the children may look older than their ages (15) they do not look old enough to be buying alcohol.	01/04/2021	11:14:23	CH74	747340
NDM Statement added to incident: NDM1	01/04/2021	11:14:43	CH74	747340
Previous Calls list Viewed 49 ROWLAND RD [REDACTED]	01/04/2021	11:14:47	CH74	747340
TRANSFER TO: TASK-B FROM TERMINAL CH74 FOR CONTROL - Grade Scheduled	01/04/2021	11:15:10	CH74	747340
TRANSFER ACCEPTED AT TERMINAL AC-CH-101 FOR CONTROL	01/04/2021	11:16:17	AC-CH-101	744646
BDH3 Assigned Incidents	01/04/2021	12:44:40	HPANON01C	623092
PCSO Robinson 8269 has attended the Premier Store on Rowland Road at 13.25 on 01/04/2021 and spoke with the owner KATHIRAVELU RANIKUMLEZ who denied all knowledge of selling	01/04/2021	13:58:04	HPANON01C	607410

RESTRICTED

alcohol to under age kids. He stated that many try but they are very strict and always ask for ID. He did state that on a weekend if they do refuse the sale of alcohol they are	01/04/2021	13:58:04	HPANON01C	607410
often faced with hostility. I informed him to contact the Police if they were refusing to leave the shop. Passing attention will be given to the area and Kirst GREEN of Licensing	01/04/2021	13:58:04	HPANON01C	607410
will also be updated for attention. The caller has been updated to this effect. Please close and remove pending further contact.	01/04/2021	13:58:04	HPANON01C	607410
Disposal Codes: 'PSW017'	01/04/2021	14:07:01	SYPANON01C	747826
No of Arrests: N.F.A: No. of Reports:	01/04/2021	14:07:01	SYPANON01C	747826
Handling Officer: 747826	01/04/2021	14:07:01	SYPANON01C	747826
Qualifiers Alcohol	01/04/2021	14:07:02	SYPANON01C	747826
write off pcso- shop owner spoken to passing attention being given caller updated	01/04/2021	14:07:02	SYPANON01C	747826
SYP-20210401-0321 HAS BEEN DISPOSED	01/04/2021	14:07:02	SYPANON01C	747826
MIS REQUEST REMOVED FROM I/F TABLE	01/04/2021	14:07:32	MWMIS	MWMIS

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WITNESS STATEMENT

C.J Act 1967, s.9 MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

Statement of LUKE VAN DOME

Age if under 18 OVER 18 (If over 18 insert "over 18") Occupation: POLICE OFFICER

This statement (consisting of ... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature [Signature] Date: 11/06/2021

Tick if witness evidence is visually recorded (supply witness details on rear)
I am a Police Constable in the South Yorkshire Police, currently stationed at ROYSTON Police Station.

On FRIDAY the 11th of JUNE 2021. I attended at ... ROYSTON Police Station and was briefed in relation to a planned test purchase operation, namely the purchase of alcohol from off-licences.

Also present was [Redacted] a Police volunteer with South Yorkshire Police. Photographic images was taken of *his/her appearance including one using a height marker at that time and is produced as evidence duly labelled and signed by me as exhibit.....

At 18:32 hours that same day I entered an off-licence trading under the name of PREMIER
Located at ROWLAND ROAD, BAENSLEY

I was shortly followed by the above mentioned Police volunteer who I observed select the following alcoholic item(s) TWO BOTTLES OF KOPPARBERG
*He/she took the item(s) to the till area and presented it to the member of staff serving, who I would describe as follows: -
AN ASIAN MALE AGED ROUGHLY 50 YEARS, WITH A WHITE SHIRT, AVERAGE BUILD, APPROXIMATELY 5FT 8" IN HEIGHT.

~~*Delete if inappropriate*~~
The member of staff asked the volunteer if he/she had any form of identification. The volunteer informed them that they did not.

The member of staff informed the volunteer that the purchase price was £ 5 who then handed the money to them before leaving the store with the purchased goods. I observed this purchase from a close and unobstructed distance in good light. I also then left the store.

Signature: [Signature] Signature Witnessed by:

Continuation of Statement of: LUKE VAN DOLE

Page 2

Outside the store the volunteer fully informed *PC / ~~PCSO SANDIE AND FAIRHURST~~ and myself of the circumstances which had just occurred. They also handed over the alcoholic purchase, which was *later suitably disposed of / *entered into the property store at
~~Police Station Exhibit~~

In company with *PC / ~~PCSO LINCX AND SALMAN~~ I went back inside the store and we approached the aforementioned member of staff, who I now know to be: -
KATHIRAVELU RAVIKUMAR

We both introduced and identified ourselves and explained the test purchase operation. The offence of selling alcohol to an under aged person was outlined and following the caution he/she made the following reply:

~~Reply
.....
.....
.....~~

The seller, Mr/Mrs/Miss..... was advised that they would be invited to Barnsley Police station at a later date where the matter would be dealt with.

*Any further replies

THE SELLER WAS THEN ISSUED A FIXED PENALTY NOTICE BY PC SALMAN.

Signature: [Signature] Signature Witnessed by:

**RESTRICTED (WHEN COMPLETED)
POLICING YORKSHIRE AND THE HUMBER
PENALTY NOTICE FOR DISORDER
OFFICE COPY**

NOTICE REFERENCE NUMBER

FORCE CODE	VALUE CODE	PENALTY AMOUNT
04 80 3	0023230 0 18	£90

TITLE	DATE OF BIRTH (ddmmyyy)	GENDER
MR	25 07 1966	M/F/U (M)

SURNAME
RAVI KUMAR

FORENAMES
KATHIRAVELU

ADDRESS
16 REDMILL CLOSE
RED ROCK MILL CLOSE
BARN SLEY

POSTCODE	TELEPHONE NO.
S75 2HA	01440537274

PLACE OF BIRTH
SRI LANKA

OCCUPATION
SHOPKEEPER

ETHNICITY CODES - OFFICER DEFINED SELF DEFINED **A9**

OFFENCE DATE (ddmmyyy)	TIME
11 06 2021	1835 HRS

LOCATION
PREMIER ROWLAND ROAD

You (offence particulars) Sold Alcohol to a Person under the age of 18

OFFENCE CODE
LE03064 CONTRARY TO (Act containing the offence)

PLACE OF ISSUE - STREET CUSTODY

ISSUE DATE (ddmmyyy)	TIME
11 06 2021	1845 HRS

PROOF OF IDENTITY TYPE
BANK

REFERENCE

DATA PROTECTION ACT 1998: Personal data supplied on this form may be held on and/or verified by reference to information already held on computer and will be used for the processing of this notice.

RECIPIENT'S SIGNATURE (Request only): I acknowledge receipt of this notice
K. R...

ISSUING OFFICER'S SURNAME
SALMAN

RANK	COLLAR NO.	UNIT CODE
PC	1231	148K

STATION
ROYSTON

POLICE FORCE
SYP

ISSUING OFFICER'S SIGNATURE
H. S...

Complete as appropriate:
Offender has been made aware that they will be recorded as being responsible for committing a crime and this is available for disclosure and information sharing purposes where appropriate Y N

3RD PARTY WITNESS STATEMENT: PARTICULARS OBTAINED? Y N

NOTEBOOK NO.	CRIME REPORT NO. IF PREVIOUSLY REPORTED

A/S NO.

PENTIP URN OF RECIPIENT	PNC ID OF RECIPIENT

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South Yorkshire

POLICE

JUSTICE *with* COURAGE

1. Date June 2021
2. Premises **Lifestyle Express, Rowland Road, Gawber,
Barnsley**
3. Premise Licence Holder **Amutha Ravikumar**
4. South Yorkshire Police Representative **Kirsty Green - Licensing Enforcement Officer**

Page 43

Outline and Purpose

This action plan is an agreement between all the parties identified above to provide a framework of assistance and guidance to ensure compliance with the licensing objectives in respect of licensable activities conducted at **Lifestyle Express, Rowland Road, Gawber, Barnsley**. This Action Plan has been suggested to the Designated Premise Supervisor/Premise Licence Holder as a means of ensuring that the premise is run to the standard expected by the Responsible Authorities under the Licensing Act 2003.

The failure by the Designated Premises Supervisor to abide by the action plan or any of its components with due cause or reasonable excuse, together with raised concerns as to the non compliance with the conditions of a licence or with the licensing objectives, may result in an application by the police to the Licensing Authority, to review the conditions of the licence (which includes adding new conditions, or the alteration, or omission of any established conditions) under Section 182 of the Licensing Act 2003.

Background

On the 11th June 2021 the venue failed a test purchase operation.

Methodology


South Yorkshire Police will facilitate the improved compliance by regular meetings with the DPS/Premise Licence Holder ensure the elements of the action plan are satisfied and to address any delays or issues relating to its implementation. Compliance with the action plan will be reviewed at these meetings and non-attendance or repeated rescheduling of meetings may lead to an adverse inference of non co-operation.

Action

Action	Implementation Date	Date Completed	Notes
All customers appearing to be 25 years or under, must produce photographic ID upon service of alcohol. This is in the form of a driving licence, passport or identification with a 'PASS' emblem on. A refusals book/log must be maintained and submitted to the authorities upon request, to demonstrate being proactive in verifying age.			
Staff training concentrating on age verification to be reviewed and implemented and then refreshed every month with staff for the first 6 months, then 6 monthly thereafter. Training log to be kept detailing training given and produced upon the request of authorities.			
Challenge 25 scheme to be adapted in the store.			

South Yorkshire Police would also recommend for all staff to attend a recognised training course in relation to age related sales.

The signatories below agreed this action plan and all its components

Signed on behalf of premises .....
Print Name *Amritha RAVIKUMAR*.....
Date *22/06/21*.....
Position *d.p.s*.....

Signed on behalf of South Yorkshire Police .....
Print Name *L. GILLEN*.....
Date *22/06/21*.....
Position *LED*.....

(Name)..... Amytha RAVIKUMAR

Position at premise..... d.p.s

I confirm that I have received an information pack following the failed test purchase at the venue and I have discussed training and compliance in relation to age related sales.

Signature..... 

Date..... 22/6/21

Contact details:

Telephone number..... 07877 878054

Email address..... amutha 91 @ out 1001c .com

(Name).....Amutha RAVIKUMAR.....

Position at premise.....d.p.s.....

I confirm that I have received an information pack following the failed test purchase at the venue and I have discussed training and compliance in relation to age related sales.

Signature..........

Date.....22/6/21.....

Contact details:

Telephone number.....07877 878054.....

Email address.....amutha91@outlook.com.....

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WITNESS STATEMENT

CJ Act 1967, s.9 MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

Statement of Kurt Fairhurst.....

Age if under 18 NA..... (If over 18 insert "over 18") Occupation: Police Officer.....

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature K.J. Fairhurst..... Date: 16/07/21.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Constable in the South Yorkshire Police, currently stationed at Royston Police Station.

On Friday the 16th of July 2021 I attended at Royston Police Station and briefed in relation to a planned test purchase operation, namely the purchase of alcohol from off-licences.

Also present was [redacted] a Police volunteer with South Yorkshire Police. Photographic images were taken of his appearance at that time and is produced as evidence duly labelled and signed by me as exhibit KJF/1

At 1936 hours that same day I entered an off-licence trading under the name of Rowland Convenience Store Located at 49 Rowland Road, Barnsley S75 2PF. I was shortly followed by the above mentioned Police volunteer who I observed select the following alcoholic item 1x WKD Blue.

He took the item to the till area and presented it to the member of staff serving, who I would describe as a middle aged Asian man.

The member of staff did not ask for any form of identification and sold the alcohol.

The member of staff informed the volunteer that the purchase price was £2.99 who then handed the money to them before leaving the store with the purchased goods. I observed this purchase from a close and unobstructed distance in good light. I also then left the store.

Outside the store the volunteer fully informed PC 3746 Jameson and myself of the circumstances which had just occurred. They also handed over the alcoholic purchase, which was taken back into the store and presented to the store worker.

In company with PC 3746 Jameson and PC1231 Salman I went back inside the store and we approached the aforementioned member of staff, who I now know to be Ravi KUMAR 25/07/1966.

Signature: K.J. Fairhurst..... Signature Witnessed by:

Continuation of Statement of:

Page 2

We both introduced and identified ourselves and explained the test purchase operation. The offence of selling alcohol to an under aged person was outlined

The seller, Mr KUMAR was advised that they would reported to licensing and dealt with for the offence.

Signature: *K.J. Fairhurst* Signature Witnessed by:

RESTRICTED
SOUTH YORKS AND HUMBERSIDE

Incident Report

SYP-20210721-0863 (Closed)

21/07/2021 20:17:43 PSW 017 SUSPICIOUS CIRCS/ Description : SUSPICIOUS Grade :(3) Scheduled
 INSECURE CIRCS/INSECURE
 Source : E-MAIL Officer Dealing : 2498 Operator : 749314 Creator Wkstin : CH96
 BD BD4 (433108 , 407199) Dispatcher :

Address Information

Corporate Name : ROWLAND RD
 Address : ROWLAND RD , , OLD TOWN , S752NA
 Proximity : PREMIER SHOP [X] Gazeteer Validation
 Location Comment :
 Premise Comment :

Theme

Disposal Code 1 : LICENSING
 Disposal Code 2 :
 Disposal Code 3 :
 Disposal Code 4 :
 Disposal Code 5 :
 Disposal Code 6 :

Complainant Information

Name : TESSA DARREN
 Address :
 Role : THIRD PARTY / [N] DA / [Y] Contact / [Y] Vulnerable / [N] NPT / [N] Hate
 Ethnicity : / Date of Birth : Sex :
 Notes : / Doctor Name : / Doctor Telephone : / Surgery :

Date / Time Information

Call Received	21/07/2021	20:17:43
Incident Created	21/07/2021	20:17:43
Address Validated	21/07/2021	20:17:57
Incident Confirmed	21/07/2021	20:22:07
Transfer Sent	21/07/2021	20:35:57
Transfer Accepted	21/07/2021	20:37:32
Resource Assigned	22/07/2021	10:55:06
Incident Disposed	22/07/2021	17:41:04

Alarm Details

Alarm No : Company Code : Company : Company Phone :
 Corporate Name :
 Occupier :
 Comment :

Qualifiers

Type : DISPOSAL QUALIFIERS Description : Alcohol
 Type : DISPOSAL QUALIFIERS Description : Youth related
 Type : THEME Description : PUBLIC SAFETY

Unit Activity

BDH1	22/07/2021	09:54:51	8043	Assigned Incidents
			ROWLAND RD, ROWLAND RD, OLD TOWN S752NA SYP-20210721-0863	
BDH1	22/07/2021	10:53:45	8043	De-assign
			De-assign	
BD1	22/07/2021	10:55:06	2498	Assigned Incidents
			ROWLAND RD, ROWLAND RD, OLD TOWN S752NA SYP-20210721-0863	

RESTRICTED

NDM Data Form (NDM1)

statement_text	RATIONALE
isr_no	SYP-20210721-0863
ch_thrive_text	Suspicious circs - local shop selling alcohol to underaged youth. Low risk as no immediate harm however youths should not have any alcoho intake. Vulnerable youths. Task grading for officers to assess further.
ch_threat	3 LOW
ch_grade	3.SCHEDULED
disp_thrive_text	
disp_threat	
disp_grade	
vls_victims	
vls_location	
vts_subject	
vis_identity	
vis_capability	
vis_intent	
vis_immediacy	
threat_level	
power	
tactics	
action	
strategy	
tactical_grade	
mod_date	20210721
mod_personnel_id	16667
mod_time	203346
revision_number	1

NDM Narrative

Incident No Relation

ASPIRE - INCIDENT RELATION

8B83A4EC-3E0D-400E-9CCB-006096AFDBAC

INCIDENT CREATED VIA
ASPIRE CONTACT
INTERFACE

PERSONS - THIRD PARTY,6

DARREN TESSA [REDACTED]
[REDACTED]

PERSONS - VICTIM,5

Incident Comments

CRM CALLER DARREN TESSA	21/07/2021	20:17:43	CH96	749314
OBJECT(S) VIEWED	21/07/2021	20:17:58	CH96	749314
OBJECT(S) VIEWED	21/07/2021	20:18:40	CH96	749314
OBJECT(S) VIEWED	21/07/2021	20:19:54	CH96	749314
OBJECT(S) VIEWED	21/07/2021	20:20:22	CH96	749314
Previous Calls list Viewed ROWLAND RD [REDACTED]	21/07/2021	20:20:36	CH96	749314
RPT=N VUL=Y HATE=N	21/07/2021	20:22:07	CH96	749314
Incident address changed from [REDACTED] ROWLAND RD, ROWLAND RD, OLD TOWN	21/07/2021	20:22:08	CH96	749314
From: SYPreportanincident [mailto:online@reportingcrime.uk]	21/07/2021	20:22:22	CH96	749314
Sent: 21 July 2021 19:41	21/07/2021	20:22:22	CH96	749314
To: Enquiries <enquiries@southyorks.pnn.police.uk>	21/07/2021	20:22:22	CH96	749314
Subject: Online Reporting - Generlc Incident -- Darren Tessa [REDACTED]	21/07/2021	20:22:22	CH96	749314
Your Details:	21/07/2021	20:22:22	CH96	749314
Name: Mr Darren Tessa	21/07/2021	20:22:22	CH96	749314
Date of Birth: [REDACTED]	21/07/2021	20:22:22	CH96	749314

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Occupation:	21/07/2021	20:22:22	CH96	749314
Gender: [REDACTED]	21/07/2021	20:22:22	CH96	749314
Ethnicity: [REDACTED]	21/07/2021	20:22:22	CH96	749314
House Number: [REDACTED]	21/07/2021	20:22:22	CH96	749314
Street: [REDACTED]	21/07/2021	20:22:22	CH96	749314
Area: [REDACTED]	21/07/2021	20:22:22	CH96	749314
City: [REDACTED]	21/07/2021	20:22:22	CH96	749314
County: [REDACTED]	21/07/2021	20:22:22	CH96	749314
PostCode: [REDACTED]	21/07/2021	20:22:22	CH96	749314
Email: [REDACTED]	21/07/2021	20:22:22	CH96	749314
Preferred Contact Number: [REDACTED]	21/07/2021	20:22:22	CH96	749314
Alternative Contact Number:	21/07/2021	20:22:22	CH96	749314
Victim Details: If different from person reporting	21/07/2021	20:22:22	CH96	749314
Q. Are you the victim? no	21/07/2021	20:22:22	CH96	749314
Name: [REDACTED]	21/07/2021	20:22:22	CH96	749314
Date of Birth: [REDACTED]	21/07/2021	20:22:22	CH96	749314
Gender: [REDACTED]	21/07/2021	20:22:22	CH96	749314
Ethnicity: [REDACTED]	21/07/2021	20:22:22	CH96	749314
House Number: [REDACTED]	21/07/2021	20:22:22	CH96	749314
Street: [REDACTED]	21/07/2021	20:22:22	CH96	749314
Area: [REDACTED]	21/07/2021	20:22:22	CH96	749314
City: [REDACTED]	21/07/2021	20:22:22	CH96	749314
County: [REDACTED]	21/07/2021	20:22:22	CH96	749314
PostCode: [REDACTED]	21/07/2021	20:22:22	CH96	749314
Email: [REDACTED]	21/07/2021	20:22:22	CH96	749314
Preferred Contact Number: [REDACTED]	21/07/2021	20:22:22	CH96	749314
Alternative Contact Number:	21/07/2021	20:22:22	CH96	749314
Incident Details:	21/07/2021	20:22:22	CH96	749314
Committed Date: 21/07/2021 Hour: 16 Minute: 00	21/07/2021	20:22:22	CH96	749314
Committed Date Between: Hour: 00 Minute: 00	21/07/2021	20:22:22	CH96	749314
Address or Location of Incident: Premier Shop, Roland Raod, Gawber, Barnsley	21/07/2021	20:22:22	CH96	749314
Details of the incident: My 13 year old daughter purchased a bottle of cactus Jack's from the shop. She is clearly under age and the shop has a local reputation for selling alcohol to young people without asking for proof of age. My wife has gone into the shop a couple of months ago as they sold alcohol to our 16 year old. My daughter is currently safe at home due to one of her teachers recognised her and called her mum. Roland Road Park is renowned for groups of kids to hang around and drink alcohol. Please provide some support and interception to prevent this shop continuing to sell alcoholic drinks to kids.	21/07/2021	20:22:22	CH96	749314
Theft Details:	21/07/2021	20:22:22	CH96	749314
Q. Have any items been stolen?: no	21/07/2021	20:22:22	CH96	749314
Theft (What item was selected):	21/07/2021	20:22:22	CH96	749314
Description - Someone grabbed property from me (or the victim):	21/07/2021	20:22:22	CH96	749314
Description - I (or the victim) have been pick pocketed:	21/07/2021	20:22:22	CH96	749314
Description - Items stolen from inside home:	21/07/2021	20:22:22	CH96	749314
Description - Items stolen from garage, shed or outbuilding:	21/07/2021	20:22:22	CH96	749314
Description - Items stolen from a Vehicle:	21/07/2021	20:22:22	CH96	749314
Vehicle Description:	21/07/2021	20:22:22	CH96	749314
Registration:	21/07/2021	20:22:22	CH96	749314
Make: 0	21/07/2021	20:22:22	CH96	749314
Model:	21/07/2021	20:22:22	CH96	749314
Type: 0	21/07/2021	20:22:22	CH96	749314
Colour:	21/07/2021	20:22:22	CH96	749314
Description - Items stolen whilst they were left unattended:	21/07/2021	20:22:22	CH96	749314
Damage Details:	21/07/2021	20:22:22	CH96	749314
Q. Has damage been caused?: no	21/07/2021	20:22:22	CH96	749314
Damage (What item was selected):	21/07/2021	20:22:22	CH96	749314

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Details:	21/07/2021	20:22:22	CH96	749314
Offender Details:	21/07/2021	20:22:22	CH96	749314
Number of offenders: 1	21/07/2021	20:22:22	CH96	749314
Q. Did you know the offender?: no	21/07/2021	20:22:22	CH96	749314
Description (if offender unknown to person reporting): Shop owner	21/07/2021	20:22:22	CH96	749314
Name:	21/07/2021	20:22:22	CH96	749314
Gender:	21/07/2021	20:22:22	CH96	749314
DOB or Approximate Age:	21/07/2021	20:22:22	CH96	749314
Ethnicity: 0	21/07/2021	20:22:22	CH96	749314
Descriptive Details:	21/07/2021	20:22:22	CH96	749314
Q. Are there any other offenders?:	21/07/2021	20:22:22	CH96	749314
Additional offender details:	21/07/2021	20:22:22	CH96	749314
Q. What did offender(s) do?: Sell alcohol bottle of spirits to a 13 year old girl.	21/07/2021	20:22:22	CH96	749314
Vehicle used by the offender(s):	21/07/2021	20:22:22	CH96	749314
Q. Was there a vehicle used? no	21/07/2021	20:22:22	CH96	749314
Description:	21/07/2021	20:22:22	CH96	749314
Vehicle Registration:	21/07/2021	20:22:22	CH96	749314
Make: 0	21/07/2021	20:22:22	CH96	749314
Model:	21/07/2021	20:22:22	CH96	749314
Vehicle Type: 0	21/07/2021	20:22:22	CH96	749314
Colour:	21/07/2021	20:22:22	CH96	749314
Witness Details:	21/07/2021	20:22:22	CH96	749314
Q. Are there any witnesses? yes	21/07/2021	20:22:22	CH96	749314
Name:	21/07/2021	20:22:22	CH96	749314
Date of Birth:	21/07/2021	20:22:22	CH96	749314
Gender: female	21/07/2021	20:22:22	CH96	749314
Ethnicity: 0	21/07/2021	20:22:22	CH96	749314
House Number:	21/07/2021	20:22:22	CH96	749314
Street:	21/07/2021	20:22:22	CH96	749314
Area:	21/07/2021	20:22:22	CH96	749314
City:	21/07/2021	20:22:22	CH96	749314
County:	21/07/2021	20:22:22	CH96	749314
PostCode:	21/07/2021	20:22:22	CH96	749314
Email:	21/07/2021	20:22:22	CH96	749314
Preferred Contact Number:	21/07/2021	20:22:22	CH96	749314
Alternative Contact Number:	21/07/2021	20:22:22	CH96	749314
Additional Witnesses:	21/07/2021	20:22:22	CH96	749314
CCTV:	21/07/2021	20:22:22	CH96	749314
Q. Are you aware of any CCTV?: no	21/07/2021	20:22:22	CH96	749314
CCTV Details:	21/07/2021	20:22:22	CH96	749314
Any other information:	21/07/2021	20:22:22	CH96	749314
Details:	21/07/2021	20:22:22	CH96	749314
Special Requirements:	21/07/2021	20:22:22	CH96	749314
Q. Do you have a disability or any special requirements: no	21/07/2021	20:22:22	CH96	749314
Details:	21/07/2021	20:22:22	CH96	749314
Risk Assessment:	21/07/2021	20:22:22	CH96	749314
Q. Do you think this is aimed directly at you or your family? no	21/07/2021	20:22:22	CH96	749314
Details:	21/07/2021	20:22:22	CH96	749314
Q. Is this affecting your mental or physical health?: no	21/07/2021	20:22:22	CH96	749314
Details:	21/07/2021	20:22:22	CH96	749314
Q. Have you been a victim of a crime in the last 12 months? (Any person or location that is subject to more than one crime incident, within a rolling 12 month period): no	21/07/2021	20:22:22	CH96	749314
Details:	21/07/2021	20:22:22	CH96	749314
Senders IP Address:5.64.15.110	21/07/2021	20:22:22	CH96	749314
THIRD PARTY DARREN TESSA	21/07/2021	20:25:09	CH96	749314
PERSON SEARCH [REDACTED]	21/07/2021	20:25:50	CH96	749314

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VICTIM [REDACTED]	21/07/2021	20:27:38	CH96	749314
VICTIM [REDACTED]	21/07/2021	20:28:13	CH96	749314
NDM Statement added to Incident: NDM1	21/07/2021	20:33:46	CH96	749314
TRANSFER TO: TASK-B FROM TERMINAL CH96 FOR CONTROL - Grade Scheduled	21/07/2021	20:35:57	CH96	749314
TRANSFER ACCEPTED AT TERMINAL AC-CH-105 FOR CONTROL	21/07/2021	20:37:32	AC-CH-105	602514
BDH1 Assigned Incidents	22/07/2021	09:54:51	HPANON01C	623092
BDH1 De-assign	22/07/2021	10:53:45	SYPANON01C	008664
Incident status changed manually Assigned->Confirmed	22/07/2021	10:53:45	SYPANON01C	008664
BD1 Assigned Incidents	22/07/2021	10:55:06	SYPANON01C	008664
I ATTENDED THIS INCIDENT AND OBTAINED A WITNESS STATEMENT FROM MR TESSA. NORTH NPT ARE WELL AWARE OF THE LOCATION AND HAVE CONDUCTED TEST PURCHASE OPERATIONS RECENTLY. DUE TO	22/07/2021	17:38:53	MWINT4	008664
ONGOING AND LONGSTANDING CONCERNS WE ARE GATHERING EVIDENCE AND PLAN TO WORK WITH LICENSING STAFF WITH A VIEW TO TAKING ENFORCEMENT ACTION AGAINST PREMIER EXPRESS, ROWLAND	22/07/2021	17:38:53	MWINT4	008664
CONVENIENCE STORE. PLEASE NOTE AND CLOSE THIS INCIDENT. THANKS, 2498 K SANDIE	22/07/2021	17:38:53	MWINT4	008664
TRANSFER TO: TASK-B FROM TERMINAL MWINT4 FOR ACTION - Grade Scheduled	22/07/2021	17:38:53	MWINT4	008664
PC 2498 HAS UPDATED SYP-20210721-0863 AND HAS CHOSEN TO TRANSFER THE INCIDENT FOR ACTION.	22/07/2021	17:38:53	MWINT4	008664
TRANSFER ACCEPTED AT TERMINAL CH46 FOR ACTION	22/07/2021	17:39:31	CH46	744646
Previous Codes were:: 744646	22/07/2021	17:41:03	CH46	744646
LICENSING TAG ADDED:	22/07/2021	17:41:05	CH46	744646
Disposal Codes: 'PSW012'	22/07/2021	17:41:05	CH46	744646
No of Arrests: N.F.A: No. of Reports:	22/07/2021	17:41:05	CH46	744646
Handling Officer: 2498	22/07/2021	17:41:05	CH46	744646
Qualifiers Alcohol Youth related	22/07/2021	17:41:05	CH46	744646
As per PC's W/O	22/07/2021	17:41:05	CH46	744646
SYP-20210721-0863 HAS BEEN DISPOSED	22/07/2021	17:41:05	CH46	744646
MIS REQUEST REMOVED FROM I/F TABLE	22/07/2021	17:41:45	MWMIS	MWMIS

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WITNESS STATEMENT

(Criminal Procedure Rules, r 16. 2; Criminal Justice Act 1967, s. 9)

Statement of: Mr Darren Tessa

URN

Age (if under 18): N/A

Occupation: Chartered Health & Safety Practitioner

I am the father of [REDACTED] who is 13 years old. [REDACTED] often goes out with friends in the local area. I am not aware of any issues previously involving my daughter.

On the afternoon of Wednesday 21st July 2021 [REDACTED] went out for the afternoon with her friends. I'm aware that they visit local parks and due to sunny weather assumed that was what they would do. [REDACTED] is a white female, approximately 5ft 3ins tall, slim build. She was wearing a brown cropped top, black adidas shorts with the adidas logo on the side and white Nike trainers. She took a blue/grey coloured jumper with her. I believe her hair was down. She has long mid-brown straight hair. I believe she looks her age, she could not, in my opinion be mistaken as over the age of 18.

At 1845hrs the same date my wife, [REDACTED] was with me at home when we received a phone call from [REDACTED] who I know to be a PE teacher at Horizon Community College which is where [REDACTED] attends. He informed us that [REDACTED] was in a drunken state on the playing fields off Wood View Lane which is a place I know well in the Gawber area. As such my wife made her way to the fields and I followed a short time later meeting them at the end of our street having received a call from my wife who was struggling to manage our daughter. When I saw [REDACTED] I immediately noted that she was very drunk. She was slurring her words and could not stand up without assistance. My wife and I looked after her, she was violently sick throughout the night and still feels unwell today.

[REDACTED] has admitted to me that she bought the alcohol she consumed, a bottle of Raspberry Cactus Jack's Schnapps valued at £6.99, from the Premier shop on the junction of Rowland Road and Walton Street North where the main entrance to Harry Road park is located. She confirms that she went into the shop on Wednesday 21st July 2021 between 1.30pm and 2.30pm. [REDACTED] describes the person who sold the alcohol to her as a middle-aged Asian male with a grey mustache called either Raj or Rav. She states that she was not pressured to go into the shop and that she went in alone and only bought the Cactus Jack's Schnapps. She says she was asked how old she was by the member of staff who was on his own behind the counter, to which she replied '18 OBVIOUSLY'. No further challenge was made. [REDACTED] states the male just took the bottle from the shelf and put it into a white plastic bag before passing it to her.

I am shocked that my daughter was served alcohol when she clearly underage. She has been spoken to by both me and her mum. I am hopeful that she has learned her lesson. I am upset by this incident because my wife visited the very same shop a few months ago as our other daughter, who is 16years old, bought alcohol there. My wife remonstrated with staff regarding their irresponsible behaviour however this does not appear to have made a difference.

No-one has the right or authority or the permission to provide my 13 year old daughter with alcohol. I will support any action the Police deem appropriate. I do not wish for, or consent for my daughter to be interviewed or provide a statement in relation to this matter or indeed have any further involvement.

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature of Witness:



Date: 22-07-2021

WITNESS STATEMENT

(Criminal Procedure Rules, r 16. 2; Criminal Justice Act 1967, s. 9)

Statement of: Mrs Janet MATTHEWS

URN

Age (if under 18): N/A

Occupation: Retired

I make this statement in relation to alcohol sales and anti social behaviour stemming from 'Ravi's' shop which is also known as the Premier Store on ROWLAND ROAD, BARNESLEY.

I live on [REDACTED] a street adjacent to the shop which leads down to HARRY ROAD PARK. The park is a large open grassed parkland with football pitches and play equipment. I have lived in this house for almost 39 years and the layout of the house is such that our kitchen where I spend a lot of time overlooks [REDACTED]

As we are the longest residents living on the street we know a lot of neighbours and often speak to them about what is happening in our community. I also know the age of a lot of the local youths as have seen them grow up from birth.

For around 4 years the shop has been run by a male and the family of a male called 'Ravi', or thats what we know him as.

Over the past three years I have been aware of the shop selling to under age youths, i.e. under 18 years old. On two occasions over the past year I have been in the shop and personally seen 'Ravi' sell to youths who i know are under 18 years old. I have challenged Ravi during these sales and he just 'shrugged his shoulders' on both occasions. I just feel that Ravi isn't bothered. I don't understand why he doesn't challenge them or ask them for ID. I do wonder if he is scared of not selling to them.

I must go into the shop at least a couple of times a week when i run out of things, but have never heard Ravi ask anyone for ID.

I have been personally asked over the past 3 years by different youths to buy alcohol and cigarettes for them and have always refused, as I know that those asking me are certainly under 15. I have seen groups of underage youths pass money to persons of age who have then come out with alcohol and pass it straight to them.

Once these youths have alcohol they generally make their way down onto HARRY ROAD PARK, currently going onto the field or younger children play area and shelter.

I have personally seen youths on a very regular occasion under the influence of alcohol on the park. It starts around 8pm mainly at weekends and continues into the evening. The shouting, abusive language, and music gets louder. The carrier bags used by Ravi's are very distinguishable, they are bright blue with no writing on. I often see the same youths that i witness later on drunk heading down earlier in the evening with cases of alcohol or blue carrier bags. There are no other shops that i am aware of in this area that uses these bags.

I have little doubt that the shop continues to sell to the same youths throughout the evening regardless of their state as its like a steady stream between the shop and

park with alcohol.

I used to walk on the park in an evening with my dog but we have stopped going, as have a lot of other local residents because of the youths on the park. I find it intimidating when there are large groups, its not the fact that they are a large group as much as it is that they are under the influence of alcohol which is very clear.

I do still walk down in the park during the daytime and often see disregarding alcohol bottles, crisp packets, takeaway boxes on the grass and in the play area. These are often accompanied by the blue plain carrier bags used by the shop. Its awful.

Previously we have had the shelter set on fire, fires and even BBQ's in the field.

I really would say the cause of these problems are as a direct result of the shop. I feel awful saying this as Ravi and the staff are friendly and wave to me at the door, but how nice are they really when they are selling to underage kids.

Ravi had enabled a problem which not only affects us but may affect these kids for years to come.

My feelings and concerns are not solely mine, from speaking to other residents they too are frustrated, fed up and sick of our park being taken over by drunken youths.

We really would appreciate and support any police action in relation to stopping this. It would make a massive difference to our community and let kids who want to play in the park on an evening to be able to do so.

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature of Witness:



Date: 23-07-2021

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9 MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

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Statement of Jason Antony LITTLEWOOD

Age if under 18 Over 18 (If over 18 insert "over 18") Occupation: Police Constable 223

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature JR 223 Date: 26/08/2021

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Constable serving with the South Yorkshire Force currently stationed on Barnsley North Neighbourhood Policing Team.

At 15:40hrs on THURSDAY 22nd JULY 2021 I attended an address in the Gawber area of Barnsley in company with PC 2498 SANDIE.

At this time I took an image of a female named [REDACTED] on my mobile phone to aide in an on-going investigation.

A statement was subsequently obtained from the father of [REDACTED] namely Darren TESSA by PC 2498 SANDIE.

A printed copy of the image of [REDACTED] is now produced in evidence, exhibit JAL/1 refers. I can identify this exhibit by the label attached signed by myself.

Signature: JR 223 Signature Witnessed by:

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WITNESS STATEMENT

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

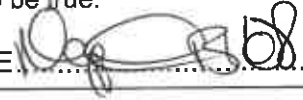
URN

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Statement of PS1438 ROBERT HEPPLESTONE

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: POLICE SERGEANT

This statement (consisting of 2. page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature PS1438 HEPPLESTONE  (witness) Date: 12 AUGUST 2021

Tick if witness evidence is visually recorded (supply witness details on rear)

I AM A POLICE SERGEANT WITH SOUTH YORKSHIRE POLICE, CURRENTLY BASED IN BARNLSLEY.
MY ROLE IS THE SERGEANT FOR THE BARNLSLEY NORTH NEIGHBOURHOOD POLICING TEAM.
AS PART OF OUR ROLE WE DEAL WITH ONGOING ISSUES WITH A VIEW TO LONG TERM
PROBLEM SOLVING AND ONE METHOD WE CARRY THIS OUT IS THROUGH THE USE OF PROBLEM
SOLVING PLANS.
ONE SUCH PLAN RELATES TO THE PARK AND PLAYING FIELDS KNOWN AS "HARRY ROAD FIELDS
/ PARK" AT GAWBER IN BARNLSLEY.
THIS PLAN WAS CREATED IN RESPECT OF NUMEROUS CALLS TO POLICE REGARDS ASB AT
THAT LOCATION INVOLVING UNDERAGE DRINKING, LITTERING, NOISE AND ON ONE OCCASION A
"PARTY" WAS DISPERSED BY POLICE.
FROM PATROLS AT THE LOCATION AND LITTER LEFT BEHIND IT IS CLEAR THAT ALCOHOL
CONSUMPTION CONTIRBUTES AND IS A KEY PART OF THIS ASB AND THE DEMAND IT CREATES.
AT THE ENTRANCE TO ONE END OF HARRY ROAD FIELDS IS A RETAIL OUTLET KNOWN AS
PREMIER STORES, ROWLAND ROAD. THIS IS A LOCAL CONVENIENCE STORE WHICH HAS A
LICENCE TO SELL ALCOHOL.
THIS PREMISE AS PART OF OUR PROACTIVE PATROLS AND TARGETTED ACTIVITY IN THE AREA
AS PART OF THE PROBLEM SOLVING PLAN HAS BEEN SUBJECT TO ALCOHOL TEST PURCHASE.
ON BOTH OCCASIONS, WITHIN 6 WEEKS, IT HAS FAILED; SHORTLY AFTER THE SECOND FAILURE

Signature:  Signature Witnessed by:

Continuation of Statement of: PS 1438 HEPPELSTAKE

A REPORT WAS MADE IN RESPECT OF A YOUNG GIRL WHO HAD PURCHASED ALCOHOL THERE AND SUBSEQUENTLY BECOME UNWELL THROUGH INTOXICATION AS A RESULT. EVIDENCE HAS BEEN COLLECTED IN RESPECT OF THAT.

I HAVE NO DOUBT THAT THERE IS A CORRELATION BETWEEN THIS PREMISE, THE SALE OF ALCOHOL TO MINORS AND THE REPORTS OF ASB. WHILST IT CANNOT ABSOLUTELY BE ATTRIBUTBLE TO THE PREMISE, I BELIEVE THAT THE LARGE AMOUNTS OF ALCHOHOL CONTAINERS (CAN, BOTTLES ETC) ARE FROM THE PREMISE AS THEY ARE OFTEN FOUND IN BLUE CARRIER BAGS WHICH ARE USED BY THE PREMIER STORE.

NOT ONLY DOES THIS CREATE DEMAND ON THE POLICE, DISTRESS TO LOCAL RESIDENTS THERE IS ALSO THE PUBLIC HEALTH MATTERS ASSOCIATED WITH YOUNG PERSONS DRINKING ALCOHOL, ALONG WITH THE RISK THEY MAY PUT THEMSELVES AT WHILST IN A STATE OF INTOXICATION.

I AM AWARE FROM THE MEMBERS OF MY TEAM THAT WE HAVE ALSO ENGAGED WITH BMBC ENVIRONMENTAL SERVICES AND SOUTH YORKSHIRE COMMUNITY FIRE TEAM IN RESPECT OF THE GENERAL POOR STATE OF THE PREMISE AND ITS IMMEDIATE ENVIRONMENT, INCLUDING THE STORAGE OF SIGNIFICANT AMOUNTS OF FLAMMABLE WASTE, PARTICULARLY CARDBOARD. WE HAVE TRIED SEVERAL TIMES TO ENGAGE WITH THE OWNER / LICENSEE, HOWEVER IT WOULD BE FAIR TO SAY HE IS BLASÉ ABOUT OUR ATTENTION TOWARDS HIM.

Signature:  Signature Witnessed by:

Rowland Express, 49 Rowland Road, Old Town, Barnsley S75 2PF

Chronological sequence of events for health and safety submission to License review

Wed 4 August 2021 I received information from South Yorkshire Police that they had called a Licence review following repeated sales of alcohol to children.

Thurs 5 August I conducted a health and safety inspection visit of the shop and identified a number of hazards to customers and others. Of most concern was the floor of the shop which was in a state of collapse in the off licence area and also in the entrance to stock room which was fully accessible to members of the public. If a person were to have stepped onto either of these areas of flooring they were likely to fall a distance of approximately 2 metres into the cellar area. I discussed this with a man who introduced himself as Mr Ravikumar, the husband of the business operator and I took 11 photographs during my visit.

At my request Mr Ravikumar obstructed access to the affected floor areas by customers, which he did by placing boxes of beer in the walkway. He told me that his son Navinkh Ravikumar is in effective control of the business in the absence of the proprietor and licence holder, Mrs Amutha Ravikumar. I told Navinkh Ravikumar by telephone that I expected a more permanent solution to be found and that I would return the next day.

Friday 6 August I found the shop floor to still be unsafe so I served an immediate Prohibition Notice **Appendix 1** in which I prohibited '*use of areas of the shop with rotten floor*'. While on site I discussed my concerns with Navinkh Ravikumar. Some attempt had been made to tape off the affected areas but not in a way that was likely to be effective at preventing access to the affected areas as there were gaps, particularly at low level that might permit a child to enter the danger area. I assessed that the condition was such that two of the licensing objectives had not been met: public safety and the protection of children from harm.

While I was at the shop a builder/joiner arrived and I left so that Navinkh could assess the extent of the damage and potential repair with his contractor.

Thursday 12 August I visited the shop with my colleague James Gardham and James and I took further photographs, including some that I took from within the cellar area. There confirmed that the area of flooring below the off license sales area was largely unsupported and could fall at any time.

I had been unable to contact Navinkh Ravikumar by telephone, telephone calls having been rejected so I rang Mrs Ravikumar, the business owner who was currently in Sri Lanka and who told me that she was fully aware of the situation. She confirmed that I needed to speak with Navinkh and she agreed to ask him to ring me.

A few minutes later Navinkh rang me and we discussed the serious nature of the flooring collapse and the unsafe access to the cellar, albeit that the hatch and floor in the stock room had been renewed.

Navinkh informed me that the builder had delayed repair to the shop floor until the pipework to the fridge was removed as this was possibly the source of moisture that had caused rotting of some of the floor timbers. I reminded Mr Ravikumar of the public safety concerns that I had witnessed and emphasised the need to protect customers, children and others from harm.

Friday 13 September Navinkh Ravikumar rang me to update me and to tell me that he had drawn up a plan of action as I suggested and has also arranged for the freezer and fridge to be removed with

all of the stock from the affected area of flooring. He told me that the leak appeared to be from the fridge drain.

I visited by agreement and took further photographs of the area where the flooring was being removed from the off license area by a contractor and was to be replaced with new supporting timbers. I expressed concern about the safety of customers during this operation and I was told that the shop was closed during the work.

I was handed an action plan **Appendix 2** by Navinkh Ravikumar which he agreed to email. I agreed to allow the business three weeks until after August bank holiday to complete the works.

Thursday 2 September I spoke on the telephone with Navinkh Ravikumar. He told me that his father had been taken into hospital today and was potentially very ill.

Friday 3 September I returned to Rowland Express, Navinkh Ravikumar was present and the shop was open for business. The cellar access hatch was removed and a fridge engineer was using the opening to access the cellar area. I pointed out to Mr Ravikumar that this exposed children and customers to danger and he immediately instructed people to block off the affected areas. There was no floor covering to the former off license area and we discussed the standard of floor covering required throughout the shop to ensure that customers do not trip on the loose and uneven areas that remain. I advised that the shop should be closed if this is the only way to protect the public and he agreed that this will be done if necessary. The shop remained open for the duration of my visit and I took further photographs of the damaged floor covering and the open trap door.

I have suggested that a door to the stock room and re-siting of the electricity distribution board would both reduce risks of falls by customers into the cellar and I understand that these are being considered as possible controls.

Mr Navinkh Ravikumar told me that his father is still very ill in hospital and that his mother was preparing to return to Barnsley, flights and Covid controls permitting.

Stephen Butler

Environmental Health Officer

7 September 2021

Health and Safety at Work etc. Act 1974 Sections 22, 23 And 24

PROHIBITION NOTICE

Serial Number PN SPB/Rowland/2021/1
PN Officer Initials / Unique Identifier / Year / Index No.

To (Name) Mr Navinakh Ravikumari

Address: 49 Rowland Road
Old Town, Barnsley S75 2PF

Trading As Rowland Express

I Stephen Butler

being a duly Authorised Officer of Barnsley Metropolitan Borough Council, Regulatory Services, PO Box 634 Barnsley S70 2GG and appointed by an instrument in writing, made pursuant to Section 19 of the said Act and entitled to issue this Notice, hereby give you notice that I am of the opinion that the following activities namely:

Use of areas of the shop with rotten floor
Which are being / ~~are likely to be carried on~~ by you or under your control at:

49 Rowland Road Barnsley - Rowland Express
involve / ~~will involve~~ a risk of serious personal injury. The matters which (~~will~~) give rise to the said risks are:

Potential collapse of the floor and fall into cellar

I am of the opinion that the said matters involve / ~~will involve~~ contraventions of the following relevant statutory provisions:

Health and Safety at Work etc Act 1974, Section 2(1) and 3(1)

Because customers, staff or others may fall through the rotten and weakened floor into the cellar area incurring major injury or death

I hereby direct that the said activities shall not be carried on by you or under your control unless the specified matters and contraventions and have been remedied.

The DIRECTION GIVEN IN THIS NOTICE SHALL TAKE EFFECT IMMEDIATELY / ~~AFTER~~

I further direct that the measures specified in the Schedule which forms part of this notice shall be taken to remedy the said contraventions or matters. (Delete if not applicable)

Signature: _____ Date: _____

A Prohibition Notice is also being served on _____ of _____ related to the matters contained in this notice. (Delete if not applicable)

This is / ~~is not~~ a relevant notice for the purposes of the Environment and Safety Information Act 1988. This page only will form the register entry. (Delete if not applicable)

Signature: SB Date: 6 August 2021

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Cellar entrance:

The cellar entrance was deteriorating and had a hole which the health and safety officer had informed us and had explained this is dangerous. We had taken instant action towards this matter by closing this section completely and replacing the full area to ensure safety. The following day we had our joiner visit and start the job. The joiner has now replaced the entrance including all the beams and has put new flooring in the full storeroom area. The door is fit accurately and is now safe and sturdy to walk with no issues. We have taken the caution which the health and safety officer advised and acted instantly to ensure all is secure and meets the health and safety regulations for our staffs and the public. The brackets and stairs to the cellar also will be replaced tomorrow, 13/08/2021, to ensure it is safe for anyone needing access to this area.

Flooring:

The health and safety officer had also informed us about the flooring near the beer fridge/wine section was affected and had informed us to close this area till the area is completely secure for our staffs and the public which we had followed. We have once again acted instantly on this urgent matter by contacting the joiner who had visited and after checking thoroughly had informed us the fridge pipe had been leaking. On 12/08/2021 we have had the fridge technician arrive at the shop to disconnect the fridge to ensure the leak stops and to confirm if the issue was due to the fridge pipe leaking, which now is confirmed. On 13/08/2021 our joiner will arrive early in the morning to replace the full beam and flooring below the beer fridge/wine section and the missing joist which we were completely unaware of, so that it is safe for our staffs and the public. We will ensure this is completed by the end of 13/08/2021.

The vinyl flooring near the drink's fridge has a tear which was also informed by the health and safety officer. We had taped the area instantly to ensure this does not cause any injuries till the joiner is able to replace the flooring. We have had our joiner visit to check this and has informed us after completing the area near the wine section, he will ensure to replace the flooring.

Beer cases:

The health and safety officer had also informed us about the beer cases which were crowded in a compact space near the storeroom entrance. We have now reallocated all the beer cases to ensure it is safe for our staffs and the public to walk with no hazards in their way. We will ensure to have stock out of public way and stacked neatly in our storeroom to avoid any injuries.

Electricity:

After speaking with the health and safety officer, he was concerned about the electricity being in the cellar. We have allocated an electrician to check this issue who will be visiting on 13/08/2021 - 14/08/2021 to check this issue.

Cellar damp:

The cellar had been damp which was also informed by the health and safety officer. Our joiner and fridge technician has both confirmed this is due to the fridge pipe which must be replaced. The fridge technician has visited the premises on 12/08/2021 at around 8pm to completely disconnect the fridge which had been causing the leaking. This will ensure the leak to stop which had caused the damp in the cellar. He has also confirmed after the flooring and beam is replaced below the wine section; he will replace all the pipes to run straight outside instead of the pipes going through the basement to make sure this issue does not occur again. As the cellar had been damp, we are now purchasing a wet vacuum and a dehumidifier to make sure there is no more moisture in the cellar from 13/08/2021.