

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 12th November 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