

LICENSING SUB-COMMITTEE

Venue: Rotherham Town Hall,
Moorgate Street,
Rotherham. S60 2 TH

Date: Monday 8 November 2021

Time: 9.30 a.m.

Meetings of the Licensing Sub-Committee can be viewed by live webcast by following this link:- <https://rotherham.public-i.tv/core/portal/home>

A G E N D A

1. To determine whether the following items should be considered under the categories suggested in accordance with Part 1 of Schedule 12A (as amended March 2006) of the Local Government Act 1972.
2. To determine any item(s) which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Licensing Act 2003 - Licence - Consideration of an application (made in accordance with s.51 of the Licensing Act 2003) to review the Premises Licence in place at Pizza Pizza, 116 High Street, Maltby, Rotherham, S66 7BN. (Pages 3 - 38)

KEEP SAFE WHILE VISITING RIVERSIDE HOUSE AND THE TOWN HALL



HOUSE KEEPING TIPS

- Meeting rooms and the Council Chamber will be sanitised before and after every meeting.
- Follow the one-way systems in place.
- Only one person (and their carer) should use a lift at a time.
- You're advised to take LFD tests at home, regularly if you don't have symptoms. **Visit the Council's website for details of where and how to get free LFD tests.**
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www.rotherham.gov.uk/coronavirus

www.rotherham.gov.uk/coronavirus

Hearing Procedure – Review of Premises Licence

- 1 The Chair of the meeting will introduce the Committee and ask officers to introduce themselves.
- 2 The Chair will ask the other parties to the hearing to formally introduce themselves.
- 3 The Licensing Officer will outline the procedure to be followed at the hearing.
- 4 Hearing Procedure:-
 - i. The Licensing Officer will introduce the report.
 - ii. Questions concerning the report can be asked both by Members and the applicant.
 - iii. The Licensing Officer will introduce the applicant for the review (or the nominated representative) and invite them to detail the application and provide them with the opportunity to develop / clarify any of the matters raised as part of their application.
 - iv. The applicant for the review (or the nominated representative) may then be asked questions by members and, if agreed by the Chair, the licence holder and any other parties present.
 - v. The Licensing Officer will then introduce representatives for any Responsible Authorities that are a party to the hearing along with other Interested Parties in turn and each will be asked to detail their relevant representations. Following each submission, Committee members may ask questions of the Responsible Authority / Interested Party. If it is agreed by the Chair, the licence holder may also ask questions of those parties.
 - vi. The Premises Licence Holder (or their nominated representative) will then have the opportunity to make their submission in response to the matters raised by the other parties to the hearing. The licence holder may seek to provide further information / clarification to the Committee that will provide assurance that the licensing objectives are being adequately promoted, or may propose additional measures that will provide this assurance.
 - vii. Following this submission, Committee members may ask questions of the licence holder. If it is agreed by the Chair, the other parties to the hearing may also ask questions of the licence holder in relation to their submission.
 - viii. The applicant for the review will then be given the opportunity to sum up the application.

- ix. The licence holder will then be given the opportunity to sum up their submission in response to the review application.
 - x. The Licensing Officer will then detail the options.
 - xi. There will then be a private session for members to take legal advice and consider the application.
- 5 The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.

Notes:

- At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
- The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 8th November 2021 (9:30 am)

Report Title

Consideration of an application (made in accordance with s.51 of the Licensing Act 2003) to review the Premises Licence in place at Pizza Pizza, 116 High Street, Maltby, Rotherham, S66 7BN.

Report Author(s)

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene
01709 254955

Report Summary

On the 13th September 2021, Rotherham MBC Licensing Service (acting in its role as a Responsible Authority under the Licensing Act 2003) made an application to review of the Premises Licence in place at Pizza Pizza, 116 High Street, Maltby, Rotherham, S66 7BN. The premises is licensed for late night refreshment and the sale of alcohol for consumption off the premises only.

The review application was submitted following an inspection of the premises by licensing officers in May 2021 triggered by information from South Yorkshire Police that indicated the premises involvement of an incident of disorder outside the premises. The inspection revealed a number of concerns and poor management control at the premises.

Following the submission of the review paperwork, three additional responses were received in relation to the review. Further detail on these is provided within the main body of the report.

On 4th October 2021, the applicant for the review withdrew their application. However, as mentioned above, additional representations had been received by this time and a hearing must be held to consider these representations.

Recommendations

1. That the Licensing Sub-Committee considers the information contained within this report (and associated appendices) along with any additional information presented at the hearing and subsequently determines the application that has been made.
2. The Licensing Sub-Committee should inform the Licensing Manager of the decision in accordance with the requirements of the Licensing Act 2003 and Regulations made thereunder.

List of Appendices Included

- Appendix 1 Location details
- Appendix 2 Premises Licence P00894
- Appendix 3 Review application form
- Appendix 4 Representation received from Maltby Town Council
- Appendix 5 Representation received from Cllr Adam Tinsley (on behalf of local residents)
- Appendix 6 Representation received from Mr J K (a local resident)

Background Papers

Rotherham MBC Statement of Licensing Policy 2020 -2025
(available at www.rotherham.gov.uk/licensing)

Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)
(available at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)

Council Approval Required

No

Exempt from the Press and Public

No

Consideration of an application (made in accordance with s.51 of the Licensing Act 2003) to review the Premises Licence in place at Pizza Pizza, 116 High Street, Maltby, Rotherham, S66 7BN.

1. Background

- 1.1 Pizza Pizza is located on High Street, Maltby, Rotherham and is a late-night hot foot takeaway attracting a mainly local trade. Further details on the location of the premises can be found at Appendix 1.
- 1.2 The premises currently has the benefit of a Premises Licence issued under the Licensing Act 2003 (licence number P0894). The licence permits late night refreshment and the sale of alcohol for consumption off the premises only. A copy of the Premises Licence is attached to this report as Appendix 2.
- 1.3 On 13th September 2021, Rotherham MBC's Licensing Service (acting in its role as a Responsible Authority under the Licensing Act 2003) submitted an application to review the Premises Licence. This application was submitted as a result of concerns around the management of the premises by the licence holder and DPS.
- 1.4 A copy of the review application form is attached as Appendix 3.
- 1.5 There is a prescribed period of 28 days following the submission of a review application during which time interested parties / responsible authorities may submit representations in relation to the application.
- 1.6 At the end of the prescribed period, a total of 3 additional representations / comments had been received. Appropriately redacted copies of the representations / comments can be found at Appendices 4 to 6.
- 1.7 Following detailed discussions with the licence holder, the applicant for the review withdrew the review application. However, as representations had already been received by this time, a hearing is required to consider the representations that have been made (despite the application being withdrawn).

2. Key Issues

The application

- 2.1 The application submitted by Rotherham MBC Licensing Service outlines concerns regarding the following matters:
 - 2.1.1 A lack of effective management control in relation to the operation of the premises.
 - 2.1.2 A general failure of the licence holder to adhere to the conditions attached to the Premises Licence.

- 2.2 Full details of the circumstances leading to the submission of the application to review the licence can be found at Appendix 3.

Representations received

- 2.3 Three additional representations / comments were received – full details of these representations can be found at Appendices 4 – 6, but are briefly summarised below:

- 2.3.1 Maltby Town Council have made reference to the following:

- Concerns regarding the lack of control around the sale of alcohol.
- Antisocial behaviour in the area caused by the actions of the premises licence holder.

Further information is detailed in Appendix 4.

- 2.3.2 The representation submitted by Cllr Adam Tinsley (on behalf of local residents) makes reference to the following:

- Failure to adhere to the conditions that are attached to the licence.
- Lack of effective management of the activities taking place at premises, resulting in the licensing objectives being undermined.

Further information is detailed in Appendix 5.

- 2.3.3 The representation submitted by Mr J K (a local resident) makes reference to the following:

- Lack of knowledge of, or a disregard for, licensing requirements applicable to the premises.
- Lack of control in relation to the sale of alcohol.

Further information is detailed in Appendix 6.

- 2.4 All parties that have submitted representations in relation to the application have been invited to attend the hearing today to provide further detail in relation to the above.

Withdrawal of the application

- 2.5 On 4th October 2021, the applicant for the review withdrew the application. The reasons given by the applicant are detailed below.

Having spoken with the Premises Licence Holder, Mr. Koohi, at length during the consultation significant improvements have been made at the premises in order to uphold the licensing objectives. I met with Mr Koohi at the premises on Tuesday 28th September and am satisfied that all conditions on the premises licence have been implemented and are being adhered to. All staff have been retrained and have good understanding of the Licensing Act and no further incidents have taken place in the immediate vicinity of the premises.

Therefore, having considered the improvements made and Mr Koohi's willingness to work with the Licensing Authority please take this as written notice of withdrawal of the application to review the premises licence.

- 2.6 Despite the withdrawal of the application, a hearing must be held to consider the representation attached to this report as Appendices 4, 5 and 6.

3. Options available to the Licensing Sub-Committee

- 3.1 A licensing authority must carry out its functions under the Licensing Act with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

- 3.2 In considering this matter, the Committee should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.

- 3.3 The Sub-Committee must take steps that it considers appropriate for the promotion of the licensing objectives.

- 3.4 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

- 3.5 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

- 3.6 However, where responsible authorities such as the Police or Environmental Health Officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

- 3.7 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption).
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management.
 - suspend the licence for a period not exceeding three months.
 - revoke the licence.
- 3.8 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 3.9 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 3.10 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 3.11 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

- 3.12 All licensing determinations should be considered on the individual merits of the application. The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 3.13 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

4. Consultation

- 4.1 The application has been subject to the statutory consultation process involving the display of public notices in the vicinity of the site for 28 days.
- 4.2 Relevant ward members have been notified of the application and all statutory requirements in relation to notification requirements have been complied with.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Any decision made by the Licensing Sub-Committee does not have effect until:
- the end of the period given for appealing against the decision; or
 - if the decision is appealed, until the appeal is disposed of.
- 5.2 An appeal may be lodged by either the applicant or a party to the hearing that has made a relevant representation.
- 5.3 Parties to the hearing must be informed of the decision within 5 working days of the hearing (or within 5 working days from the last day of the hearing if it takes place over multiple days).

6. Financial Implications

- 6.1 There are no specific financial implications arising from this application.
- 6.2 However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all of the costs incurred. The impact of these additional costs (if any) will therefore need to be met from within existing revenue budgets.

7. Legal Advice and Implications

- 7.1 A Council Solicitor will be in attendance at the hearing to provide appropriate legal advice to the Licensing Sub-Committee in relation to specific aspects of the application / hearing, however the advice below is generally applicable to all applications.

- 7.2 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.
- 7.3 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.
- 7.4 The Panel may accept hearsay evidence and it will be a matter for the Licensing Sub-Committee to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.
- 7.5 The Secretary of State's guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 7.6 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The guidance is therefore binding on all licensing authorities to that extent. However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 7.7 Departure from the guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

8. Risks and Mitigation

- 8.1 The statutory requirements in relation to the consideration of this application are detailed in this report. It is essential that the Sub-Committee act in accordance with these statutory provisions and take account of statutory guidance.
- 8.2 Failure to do this exposes the Council to significant risk of legal challenge, the consequences of which could result in financial and / or reputational damage to the Council.
- 8.3 Members are therefore urged to fully consider the information in this report when making a decision regarding this application, and to ensure that any decision made is justifiable, proportionate and based on the promotion of one or more of the Licensing Objectives.

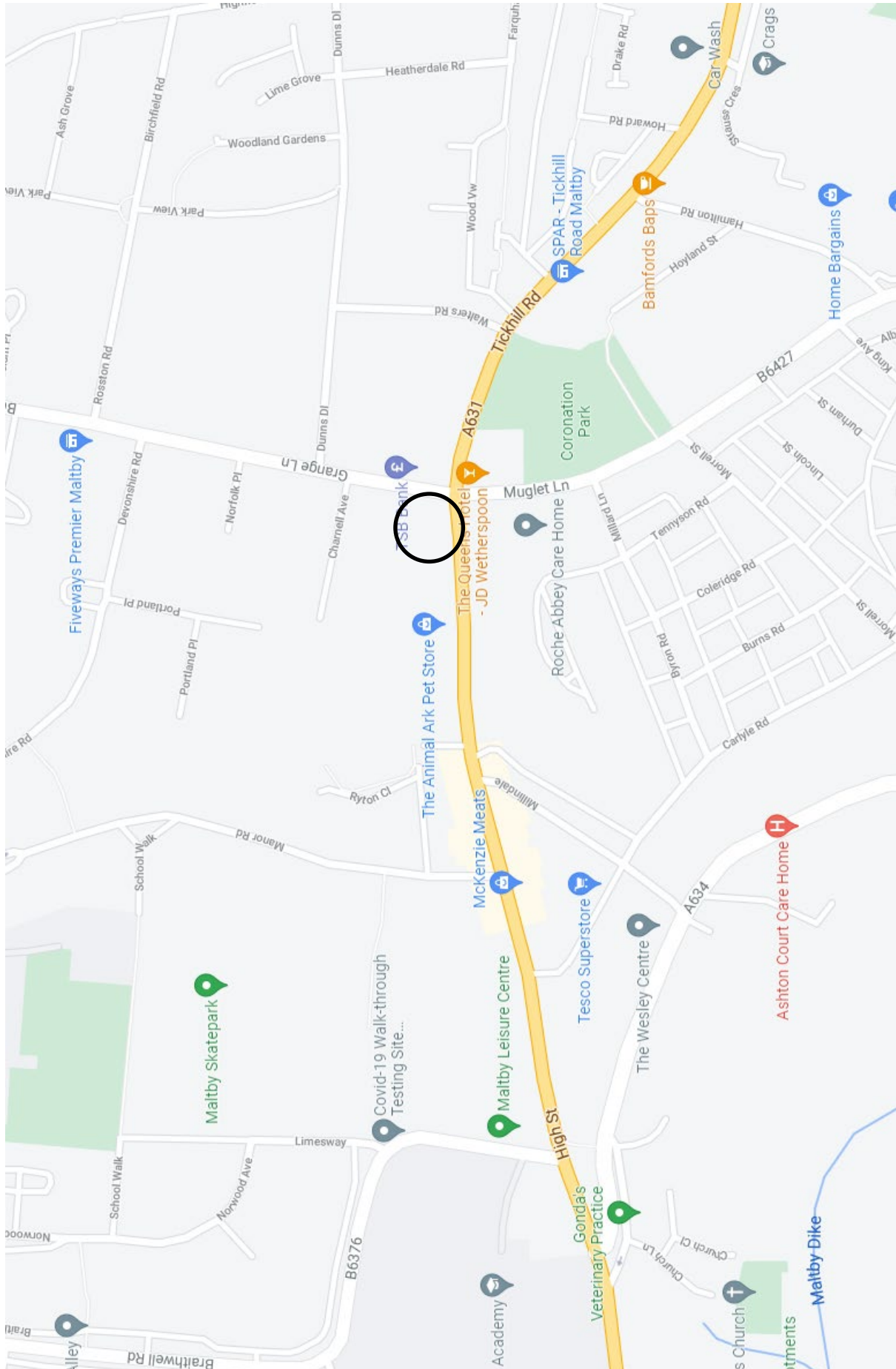
Council officers are present at the meeting today and can provide additional advice to members of the Sub-Committee should this be required. In addition, a copy of the statutory guidance is available for members to review should they wish to do so.

9. Accountable Officer(s)

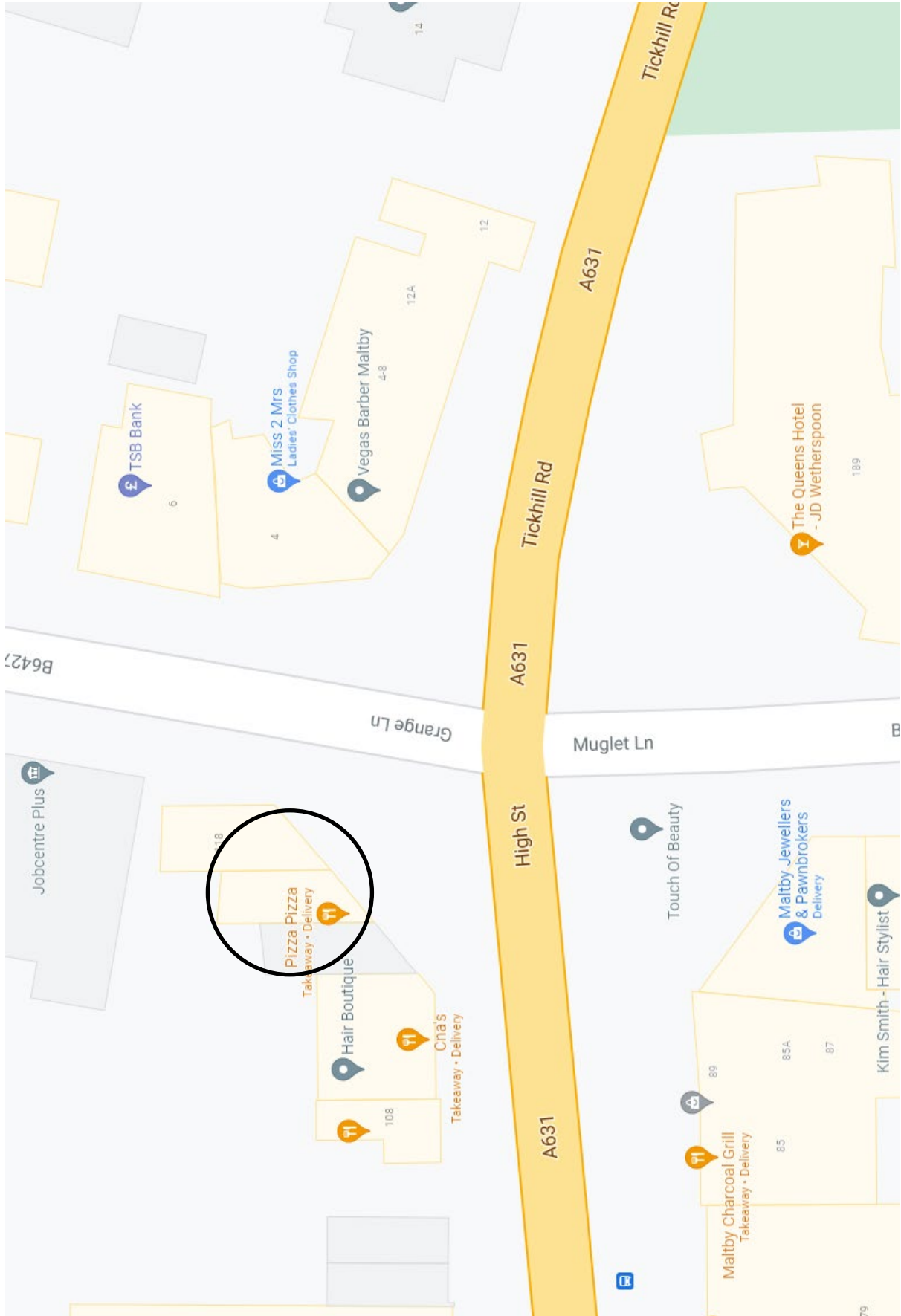
Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene

This report is published on the Council's [website](#).

APPENDIX 1



APPENDIX 1



APPENDIX 1



APPENDIX 1



APPENDIX 2
Licensing Act 2003
Premises Licence
P0894

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**Pizza Pizza**

116 High Street, Maltby, Rotherham, South Yorkshire, S66 7BN.

Telephone 01709 813399

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
Late night refreshment (Indoors & Outdoors)	Monday to Thursday the following morning	11:00pm	1:00am
	Friday to Sunday the following morning	11:00pm	2:00am
The sale by retail of alcohol for consumption OFF the premises only	Sunday to Thursday	5:00pm	11:30am
	Friday and Saturday on following morning	5:00pm	1:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday the following morning	5:00pm	1:00am
Friday to Sunday the following morning	5:00pm	2:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mohsen Koohi

116 High Street, Maltby, South Yorkshire, S66 7BN.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

APPENDIX 2**Licensing Act 2003
Premises Licence****P0894****NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE
AUTHORISES THE SUPPLY OF ALCOHOL**

Mohsen KOOHI

116 High Street, Maltby, South Yorkshire, S66 7BN.

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Licence No. RM2287

Issued by Rotherham



APPENDIX 2
Licensing Act 2003
Premises Licence
P0894**ANNEXES****Annex 1 - Mandatory Conditions**

- 1 No supply of alcohol may be made under the premises licence
 - a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

 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.

Annex 2 - Conditions consistent with Operating Schedule**General**

-

Prevention of Crime and Disorder

- 2 The licence holder shall ensure that sales of alcohol for delivery will only be made with a food order of £6.00 or more.
- 3 The licence holder shall ensure that any delivered sales of alcohol are limited to 4 bottles or cans of up to 1 pint in total volume or 1 bottle over 1 pint in total volume.
- 4 The licence holder shall ensure that that all staff involved in the sale of alcohol receive training on customer relations, and in particular how to deal with abusive/violent customers.
- 5 The licence holder shall ensure that they are a member of Rotherham Licence Watch Scheme.
- 6 The licence holder shall ensure that CCTV cameras are installed to cover all entrances, exits and public areas.
- 7 The licence holder shall ensure that orders for sales of alcohol to be delivered are not accepted unless a telephone number is displayed on the telephone system at the premises at the time the order is made.
- 8 The licence holder shall ensure that all deliveries of orders containing alcohol are made from within a delivery van and will not be delivered to the door of any customer.
- 9 The licence holder shall ensure that all sales and deliveries of items ordered are



APPENDIX 2
Licensing Act 2003
Premises Licence
P0894**ANNEXES continued ...**

- subject to the provision of the production of appropriate items of identification to establish a persons age where it is suspected that a person maybe under 25.
- 10 The licence holder shall ensure that all menus and promotional literature relating to delivery of alcohol set out the requirements of the customer before any sale or delivery can be made.
- 11 The licence holder shall ensure that no products containing alcohol are displayed in the fast food outlet.
- 12 The licence holder shall ensure that no promotional offers on prices of alcohol are offered for delivery with takeaway food.
- 13 The licence holder shall ensure that all deliveries of alcohol are made in vehicles approved, by the licensing representative for South Yorkshire Police for the purpose of the deliveries.
- 14 The licence holder shall ensure that CCTV cameras, approved by the licensing representative for South Yorkshire Police are fitted to all delivery vehicles to capture the image of persons taking delivery of alcoholic products.
- 15 The licence holder shall ensure that images captured on CCTV in vehicles are stored for 31 days and made available to a Police Officer upon request.
- 16 The licence holder shall ensure that telephone orders for alcohol (with food) after 23.00 hours include the name, address, time, date and age recorded on the order form.

Public Safety

- 17 The licence holder shall ensure that all deliveries of orders containing alcoholic products to customers are made only using designated delivery vans.
- 18 The licence holder shall ensure that staff have adequate training (including first aid) to secure the safety of the premises and its patrons.
- 19 The licence holder shall ensure that there is regular testing and certification of fire fighting equipment and systems pertinent to safety.

Prevention of Public Nuisance

- 20 The licence holder shall ensure that litter bins are available within the fast food outlet.
- 21 The licence holder shall ensure that regular checks are made to remove any litter in the immediate vicinity of the premises.
- 22 The licence holder shall ensure that all customers respect the need to arrive and leave the premises quietly.

Protection of Children from Harm

- 23 The licence holder shall ensure that unaccompanied children under the age of 12 are not served food after 22.00 hours.
- 24 The licence holder shall operate the 'Challenge 25' proof of age scheme.



APPENDIX 2

Licensing Act 2003 Premises Licence

P0894

ANNEXES continued ...



APPENDIX 2

Licensing Act 2003

Premises Licence Summary P0894

Premises Details

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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- The sale by retail of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mohsen Koohi

116 High Street, Maltby, South Yorkshire, S66 7BN.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

APPENDIX 2**Licensing Act 2003**
Premises Licence Summary P0894**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Mohsen KOOHI

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

None



APPENDIX 3*Rotherham Metropolitan Borough Council***Application for the review of a premises licence or club premises certificate under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
 You may wish to keep a copy of the completed form for your records.

I Keeley Ladlow, Principal Licensing Officer, Rotherham MBC*(Insert name of applicant)*

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Pizza Pizza 116 High Street Maltby	
Post town Rotherham	Post code (if known) S66 7BN

Name of premises licence holder or club holding club premises certificate (if known) Mohsen KOOHI

Number of premises licence or club premises certificate (if known) PO894
--

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

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

☒

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

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

APPENDIX 3

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes
☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

APPENDIX 3**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Keeley Ladlow Principal Licensing Officer Rotherham Metropolitan Borough Council Main Street Rotherham S60 1AE
Telephone number (if any) 01709 822346
E-mail address (optional) Keeley.ladlow@rotherham.gov.uk

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

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

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

APPENDIX 3

Please state the ground(s) for review (please read guidance note 2)

Application is made under Section 51 of the Licensing Act 2003 for a full review of the premises licence in relation to a premises known as Pizza Pizza, 116 High Street, Maltby, Rotherham, S66 7BN.

The grounds for the application are as follows: -

The premises are a small sized takeaway premise over two floors, consisting of a customer service area and kitchen on the ground floor and a storage area on the upper floor. The licence held by Mr. Mohsen Koohi has been in place since 23rd November 2012 and permits late night refreshment and the sale of alcohol for consumption off the premises only.

The current Designated Premises Supervisor of the premises is the premises licence holder Mr Mohsen Koohi.

On Tuesday 25th May 2021 officers from the Council's Licensing Service visited the premises with Officers from South Yorkshire Police Licensing to undertake an inspection of the premises. The visit was because of an incident which took place at 01.41hrs on 23rd May, the incident became a large fight outside of the premises resulting in one male sustaining serious injuries.

The premises licence holder Mr Koohi was present during the visit along with two other persons who were behind the counter cooking food and answering the phone. One person identified themselves as a member of staff, the second person stated they were the Cousin of the premises licence holder but stated they did not work at the premises despite cooking food and taking phone orders.

Upon entering the premises officers spoke with a male now known to be the premises licence holder, when asked if the Designated Premises Supervisor was available Mr Koohi asked what a Designated Premises Supervisor was. When Mr Koohi provided his details and officers advised him that he was in fact the DPS of the premises it was evident that Mr Koohi did not understand that he was the DPS or what a DPS was.

Mr Koohi was asked to provide the names of staff members and officers were advised that he does not know the names of some or the full names of others that he employs.

Alcohol was on display for sale at the premises, it was located inside a tall drinks fridge behind the counter and could clearly be seen from the customer area. Officers could see cans of lager and cider along with bottles of lager and small bottles of vodka and rum inside the glass fronted fridge. Mr Koohi stated the premises sold alcohol regular with Budweiser being the most commonly purchased alcohol.

The premises licence has an Annex 2 condition that states the licence holder shall ensure that no products containing alcohol are displayed in the fast food outlet.

Mr Koohi denied a fight had taken place outside of the premises on 23rd May before reluctantly permitting officers to view the CCTV. Upon viewing the CCTV system officers identified the time on the cameras is 30 minutes behind real time. Whilst viewing footage from 23rd May Mr Koohi stated that a fight had taken place outside of the premises but those involved had not been inside.

Upon viewing the CCTV officers identified that a fight had taken place initially starting directly outside of the premises before continuing at the roadside and those involved had been inside of the premises. Footage viewed evidenced a large group of males and females congregating outside of the premises with some entering the premises to buy food and alcohol. The food and alcohol were consumed outside of the premises before a fight breaks out at 01.06hrs (CCTV stamped time).

The CCTV further evidenced two bottles of Budweiser being sold at 00.56 (CCTV stamped time) 01.26hrs real time.

APPENDIX 3

The premises licence permits the sale of alcohol for consumption off the premises Sunday to Thursday until 23.30 and until 01.00hrs on Friday and Saturday. The CCTV viewed evidences the sale of alcohol at 01.26hrs and was therefore not permitted under the current premises licence and an offence under Section 136 Licensing Act 2003.

The CCTV footage evidenced a fight directly outside involving customers from the premises which had been denied by Mr Koohi despite the footage showing him present at the time of the incident. The incident was not reported to the Police by the premises, and no action was taken to address the incident by the premises licence holder or staff members.

Mr Koohi did not have a copy of the premises licence, nor did he have or display the premises licence summary.

Licensing Officers spoke with Mr Koohi under caution, and it was accepted that alcohol had been sold past the time authorised by the premises licence. Mr Koohi when questioned stated that he did not believe this to be a big problem adding that it was only half an hour after the authorised time.

The premises licence has an annex 2 condition stating any delivered sales of alcohol are limited to 4 bottles or cans of up to 1 pint in total volume or 1 bottle over 1 pint in total volume. Officers asked Mr Koohi how much alcohol he understood he was permitted to sell per delivery order. He stated that he believed he could sell as much alcohol to an individual as they wanted. It was stated that if a customer wanted to buy 3 bottles of wine it would be sold, and he would sell more than 4 cans to a customer. Mr Koohi added that he sells more than 4 cans on a regular basis and that either for delivery or walk in order the premises sells alcohol without the customer having to purchase food.

Mr Koohi was asked what training staff working for him had received with regards to the responsible selling of alcohol. Mr Koohi stated that staff had watched a CD on food hygiene but stated other than telling staff to ask for ID no training in the responsible sale of alcohol had been given to any staff member. The premises licence has two Annex 2 conditions relating to training staff members, neither of which are complied with.

Whilst speaking with officers Mr Koohi became more challenging and abrupt, he began to shout and had to be asked to calm down on more than one occasion.

The premises licence has an Annex 2 condition to request identification from persons who appear to be under the age of 25. Officers asked Mr Koohi what challenge scheme he operates, and he stated he did not know what a challenge scheme was nor did he know the condition was on the premises licence. It was apparent to officers that neither Mr Koohi or his staff were verifying the ages of customers purchasing alcohol.

Additionally, the premises licence has an Annex 2 condition for a member of staff to attend Rotherham Licence Watch. Officers asked Mr Koohi if a member of staff attends licence watch regularly and he stated he had not heard of licence watch nor was he aware it was an Annex 2 condition.

An annex 2 condition on the premises licence relates to the regular testing and certification of firefighting equipment and systems pertinent to public safety. Officers asked Mr Koohi what firefighting equipment the premises had and he stated there wasn't any equipment available in the event of a fire. Mr Koohi stated that he used to have a fire blanket somewhere but had lost it over a year ago and hadn't replaced it.

The premises licence has 24 Annex 2 conditions in total – at the time of the visit the premises licence holder was non-compliant with 15 of these.

Additionally, in August 2020 the licensing service received a complaint from a member of the

APPENDIX 3

public – it was stated that the premises were selling alcohol from the back of the premises out of multipack boxes of lager and cider.

Officers spoke with Mr Koohi who denied selling alcohol from the back room of the premises but accepted that he had on occasion sold alcohol as one large multipack box to a customer if they had requested to purchase the full box.

The Licensing Service issued Mr Koohi with a written warning in October 2020 for permitting customers to consume alcohol on the premises and breaching the premises licence conditions.

Having spoken with Mr Koohi and visited the premises I am not satisfied that Mr Koohi is upholding the licensing objectives, complying with the premises licence conditions or has the understanding to be the DPS or licence holder at the premises.

APPENDIX 3

Please provide as much information as possible to support the application (please read guidance note 3)

Detailed as above.

APPENDIX 3

Please tick ✓ yes

☐

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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Please tick ✓ yes

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date **13th September 2021**

.....

Capacity **Principal Licensing Officer, Rotherham MBC**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

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Post town	Post Code
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Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



APPENDIX 4

11th October 2021

Licensing
Rotherham Metropolitan Borough Council
Wing A, Floor 3
Riverside House
Main Street
Rotherham
S60 1AE

Re: Review of Premises Licence P0894

Dear Sir or Madam,

Maltby Town Council wish to raise several concerns regarding the review of the premises licence for Pizza Pizza, located on High Street Maltby, Rotherham, S66 7BN.

Members of the Council were disturbed to read the findings within the report dated 13th September 2021 which clearly shows that the occupier of the business is not meeting the conditions of the licensing act 2003.

The concerns include:

1. Selling alcohol out of the permitted period.
2. The licence holder does not think it is a big problem to sell alcohol after the permitted period.
3. The licence holder has allowed customers to consume alcohol on the premises.
4. The licence holder was unaware of limitations when selling alcohol.
5. The licence holder has no understanding of the Challenge 25 Strategy.
6. A lack of fire-fighting equipment on site.



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The final concern relates to anti-social behaviour, the licence holder has been selling unlimited quantities of alcohol to members of the public without checking their age irrespective of the conditions within the licence. This negligent behaviour will impact the community by encouraging people to drink irresponsibly and illegally which in turn can lead to occurrences of anti-social behaviour.

I hope you will take these concerns into consideration before approving a licence for this business.

Yours sincerely

Sarah Youngman
Town Clerk

APPENDIX 5

I would like to make the following representation for consideration on the review of the premises licence for Pizza Pizza, 116 High St, Maltby, Rotherham, S66 7BN licence number P0894

Having read the application review report which is damning and of a great concern. I would like to express my view from the findings of the report, that the current licence/premise has failed to meet the four licencing objectives. The premise has shown a total disregard for the licencing conditions that had been set to protect the public and prevent public nuisance.

Having been previously been warned back in October 2020 for permitting customers to consume alcohol on the premises and breaching the premises licence conditions. There seems to have been no attempt to comply with the conditions and on the recent visit, officers saw the premises failing to comply with 15 out of 24 annex 2 conditions.

Here below I have listed in my opinion where the premises have failed to meet the four objectives set

(1) the prevention of crime and disorder

Premise failed to intervene or to call the police when a fight broke outside its property.

Failed to attend Licence Watch

Sold alcohol on the premises and alcohol was consumed on the premises

2) public safety

No firefighting equipment on the premises

No understanding of the role of Duty Supervisor

No challenge 25 Scheme and no understanding of what the Scheme is

Failed to attend licence watch

3) the prevention of public nuisance

Sales of Alcohol that have been Consumed on the premises

Sales of Alcohol above permitted limits

Sales beyond the permitted times

Failed to attend licence watch

Not training to staff regarding sales of alcohol

No understanding of the role of a designated premise supervisor

4) the protection of children from harm

No understanding of the role of designated premise supervisor

APPENDIX 5

No challenge 25 Scheme and no understanding of what the Scheme is

No training to staff

Having read and listed some of the the non-compliance of the licenced premises along side the four licencing objectives. I believe I have no option but to ask the the licence board considers the licence is revoked for the premises of 116 High St, Maltby, Rotherham, S66 7BN .

Cllr Adam Tinsley

Maltby East

APPENDIX 6

I refer to the review of premises licence In respect of PIZZA PIZZA High St Maltby and wish to object to the licence being continued. From information available it would seem that the licence holder either does not care or understand the regulations that have already been imposed by not adhering to 75% of conditions imposed .He is selling alcohol without any checks whatsoever at will and at any time to anyone.

As a result I believe the refusal to renew the licence will help the prevention of crime and disorder ,increase public safety , help reduce public nuisance and help with the protection of vulnerable children fromr harm.

Maltby has many problems concerning crime, public disorder and ill health (due,in part) to obesity and alcohol misuse and any opportunity to solve these problems ,such as refusing this renewal will help.

It occurs to me that if the licencing regulations are being ignored, are the rules and regulations regarding the health and safety where food for human consumption is prepared and sold are also being similarly ignored ? Maybe this should be looked into.

██████████

██████████ Maltby