

**LICENSING SUB-COMMITTEE
18th December, 2023**

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

CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.51 OF THE LICENSING ACT 2003) FOR THE REVIEW OF THE PREMISES LICENCE ISSUED TO MR SANGAR MOHAMMAD IN RESPECT OF ARO MINI MARKET, 12 FITZWILLIAM ROAD, ROTHERHAM S65 1PT

Consideration was given to an application made (in accordance with Section 51 of the Licensing Act 2003) for the review of the Premises Licence currently in force in respect of Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT.

The application for review was made by the Council's Trading Standards Service on 25th October, 2023, in their role as a Responsible Authority seeking revocation of the Premises Licence on the grounds that the Licence holder, Mr. Sangar Mohammad, was failing to promote 3 of the licensing objectives namely:-

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

Consultation on the application had been carried out on the application in accordance with all statutory requirements and the Council's procedure. At the end of the prescribed period of 28 days, representations had been lodged on behalf of the Responsible Authorities i.e. South Yorkshire Police and the Licensing Authority.

Mr. A. Pogorzelec, Licensing Manager, Mr. D. Lodge, Principal Trading Standards Officer and Mrs. D. Kraus, Principal Licensing Officer, were in attendance together with Mr. D. Lodge, Principal Trading Standards Officer.

Various methods of communication had been used to contact Mr. S. Mohammad, Premises Licence Holder (also the Designated Premises Supervisor (DPS)). The importance of attending the hearing had been stressed.

The Licensing Act was very clear in the notice that a Local Authority was required to give parties in relation to a Licensing hearing including the Licence Holder. The Licensing Manager confirmed that all the statutory requirements had been complied with. All email communications/correspondence with the Premises Licence Holder had

made it clear how important the hearing was and that he was at risk of the hearing taking place in his absence.

Regulation 20 of the Licensing Act Hearings Regulations 2005 dealt with cases where certain parties had not attended. It did state that the Sub-Committee could adjourn if it was felt to be in the public interest to do so or continue with the hearing. The Premises Licence Holder had not contacted the Council to advise whether he was attending or not. Other than the emails that formed part of the report pack, Mr. S. Mohammad had had no other contact with the Council at all.

The Sub-Committee unanimously agreed to continue with the hearing.

It was noted that an application had been received to transfer the licence. The individual had been contacted by the Licensing Service to make them aware of the review taking place; they had not been aware and had since withdrawn the application to transfer.

The Sub-Committee heard the representations of the Trading Standards Service, applicant for the review:-

- An undercover test purchase on 14th February, 2023, had resulted in the sale of illicit cigarettes
- Trading Standards Officers had visited the premises on 21st February, 2023, where a significant supply of illegal tobacco and e-cigarette products were found at the premises. 202 packets/3,569 sticks of illegal cigarettes, 43 packets/1,560 grams of tobacco and 2 Elux 3,500 vapes were seized
- At the time of the visit the shop had been left under the control of a person who had no legal right to work in the United Kingdom
- A responsible retailer advise pack was left at the premises on 16th May, 2023
- Trading Standards received an email on 18th August, 2023, with information that the store was selling illicit tobacco. The email was from Mr. Sangar Mohammad, the owner of the shop, stating that the people who he had left in charge of the shop were using it for their own personal interest
- A joint visit was made on 7th September, 2023, by Trading Standards and South Yorkshire Police where a male member of staff was observed serving a customer. When his identity card was examined, it was established that he also had no legal right to work in the United Kingdom
- The premises were searched and seized 229 illicit vapes, 87 packets/1,700 sticks of illegal cigarettes and 16 packets/800g of rolling tobacco in a black holdall and a shopping bag placed behind the counter

It was further reported that subsequently a further test purchase was carried out on Monday, 11th December, 2023, by officers from South Yorkshire Police when a sale of alcohol was made to a test purchaser

aged 15 years. The member of staff did not ask for their age or identification and was issued with a £90 Fixed Penalty Notice and reported to South Yorkshire Police Licensing Department.

A license inspection was made the following day by 2 Licensing Enforcement Officers. Mr. Shehram Ahmad Behrami (Premises Licence Holder) and Mr. Rahim Soltani were present. The inspection found:-

- The licence summary was on display
- The CCTV system was working and had footage from 2nd November. Mr. Behrami was not aware if any registration had taken place with the Information Commissioner's Office. He was able to navigate through the system and retrieve footage if required
- A CCTV in operation sign was on display
- There was no incident register on the premises so not available to check what details were maintained or to be made available to the Police or Licensing Enforcement
- There were no training records on the premises. Mr. Soltani stated he had been trained approximately 3-4 months earlier despite having said on 10th October that he had not received any training
- No refresher training was evidenced and no training records available for inspection
- Mr. Behrami confirmed that no open vessels contained alcohol were allowed to leave the premises
- There was no evidence of any training records relating to dealing with any potential danger, nothing in place regarding fire procedures and no accident book present. The staff had no knowledge of an accident book
- There was no sign asking customers to leave quietly
- Mr. Behrami was not sure what was meant by the Challenge Policy
- Both members of staff were not aware of proxy sales and there was no signage displayed at the premises

The Sub-Committee considered the application for the review of the Premises Licence and the representations made specifically in light of the following Licensing objectives (as defined in the 2003 Act):-

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

Resolved:- That, after due consideration of the application for review and to the representations received, the Premises Licence for the premises known as Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT, be revoked with immediate effect.