

LICENSING SUB-COMMITTEE

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

Date: Monday 18 December 2023

Time: 2.30 p.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 Chair is of the opinion should be considered later in the agenda as a matter of urgency
3. 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 (Pages 3 - 50)

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Committee Name and Date of Committee Meeting

Licensing Sub-Committee - 18th December at 14:30 hours (2:30 pm)

Report Title

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 the premises known as Aro Mini Market and located at 12 Fitzwilliam Road, Rotherham S65 1PT.

Report Author

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

Report Summary

On the 25th October 2023 an application was made, by the Council's Trading Standards, in their role as a Responsible Authority, for the review of the Premises Licence currently in force in respect of Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT.

The application seeks the revocation of the Premises Licence.

Representations in support of the application have been made on behalf the Licensing Authority and South Yorkshire Police.

Further details on the application and the representations can be found within the body of this report.

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 Premises Licence (P1010)
- Appendix 2 Location Plan
- Appendix 3 Application under consideration
- Appendix 4 Representations in support of the Review Application.

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 (August 2023)
(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) for the review of the Premises Licence issued to Mr Sangar Mohammad in respect of Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT.

1. Background

- 1.1 The premises were first licensed by the Council in December 2017.
- 1.2 The Licence was transferred to the current holder, Mr Sangar Mohammad, on 11th November 2020, who nominated himself as the premises “Designated Premises Supervisor” on the same date.
- 1.3 A copy of the Premises Licence held by Mr Sangar Mohammad in respect of the premises known as Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT is attached at Appendix 1.
- 1.4 In summary the Licence authorises the supply of alcohol for consumption off the premises on every day of the week between 08:00 hours and 23:00 hours.

2. Key Issues

Location of the Premises

- 2.1 A location plan of the premises is attached at Appendix 2.

The application

- 2.2 On 25th October 2023 an application was made on behalf of the Council’s Trading Standards Service, for the review of the Premises, a copy of which is attached at Appendix 3.
- 2.3 The application seeks the revocation of the Premises Licence on the grounds that the Licence holder, Mr Sangar Mohammad, is failing to promote three of the licensing objectives, namely the:
 - prevention of crime and disorder;
 - public safety; and
 - protection of children from harm.
- 2.4 A copy of the application was served on the Licence holder, Mr Sangar Mohammad, by post and by email on the 26th October 2023. In addition, on the same date, a copy was hand delivered to him at the premises.
- 2.5 The Licence holder, Mr Sangar Mohammad, has been made aware that a possible outcome of the review is that the Sub Committee may decide to revoke his Licence and advised to seek independent legal advice and support.

Consultation

- 2.6 Consultation on the application has been carried out on the application in accordance with all statutory requirements and the Council's procedure. There is a prescribed period of 28 days following the submission of an application during which time representations in relation to the application may be submitted.
- 2.7 At the end of the prescribed period, representations in support of the review application have been lodged on behalf of two of the Responsible Authorities, namely the Licensing Authority and South Yorkshire Police.
- 2.8 The applicant, the Licence holder and representatives of the Responsible Authorities have been invited to the hearing today. All parties attending, will be given the opportunity to address the Sub-Committee in relation to the matters raised in the application and the representations to it.
- 2.9 The Licence holder, Mr Sangar Mohammad, has been informed that if he fails to attend the hearing, unless there is good reason not to, the Sub-Committee, may decide to consider the application in his absence.
- 2.10 Members of the Sub-Committee should give full consideration of the issues raised in the application and the representations, the Licence holders response to the application and representations, together any supporting evidence provided by any party prior to the date of the hearing. Documentary evidence provided on the day of the hearing should only be considered with the consent of all parties.

Representation from the Responsible Authorities

- 2.11 Representations in support of the review application have been submitted on behalf of the Licensing Authority and South Yorkshire Police, a copy of which is attached at Appendix 4.

Additional Evidence provided by the Applicant (Trading Standards Service)

- 2.12 At the time of writing the applicant, the Council's Trading Standards Service, has not provided any documentation in support of their review application

Additional Evidence provided the Responsible Authorities

- 2.13 At the time of writing the Licensing Authority and South Yorkshire Police have not submitted any additional evidence in support of their representations.

Evidence provided by Licence Holder

- 2.14 At the time of writing the Licence holder, Mr Sangar Mohammad, has not provided any documentation in response to the review application or the supporting representations.

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 Sub Committee should take into account any representations or objections that have been received from responsible authorities or other persons, together with any representations made by the Licence holder. 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 In relation to this application, the options available to the Committee are to:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);
- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

3.4 The Sub Committee 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 the Sub Committee from issuing an informal warning to the Licence holder and/or to recommend improvement within a particular period of time. Such informal warnings are regarded as an important mechanism for ensuring that the licensing objectives are effectively promoted, and any such warnings should be issued in writing to the Licence holder.

3.5 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, the Sub Committee should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, Sub Committee may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

- 3.6 In deciding which of these powers to invoke, it is expected that Sub Committee 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.
- 3.7 For example, the Sub Committee 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.
- 3.8 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.
- 3.9 The Sub Committee should also note that modifications of conditions and exclusions of authorised 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 have a financial impact 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 the Sub Committees decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working. 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 certificate.
- 3.10 All licensing determinations should be considered on the individual merits of the application. The Sub Committees 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.
- 3.11 It is important that the Sub Committee 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. Timetable and Accountability for Implementing this Decision

- 4.1 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.
- 4.2 An appeal may be lodged by either the applicant, Licence holder or a party to the hearing that has made a relevant representation.
- 4.3 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).

5. Financial Implications

- 5.1 There are no specific financial implications arising from this application. 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.

6. Legal Advice and Implications

- 6.1 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.
- 6.2 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 6.3 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.
- 6.4 The Sub Committee 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.

- 6.5 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.
- 6.6 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.
- 6.7 In addition to the above, members are reminded that all decisions must be taken in accordance with the Council's Statement of Licensing Policy (adopted 3rd June 2020).
- 6.8 Departure from the guidance and / or Statement of Licensing Policy 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.

7. Risks and Mitigation

- 7.1 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.
- 7.2 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.
- 7.3 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.

- 7.4 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 and Statement of Licensing Policy is available for members to review should they wish to do so.

8. Accountable Officer(s)

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene

This report is published on the Council's website.

Hearing Procedure - Review

1. The Chair of the Licensing Sub Committee will introduce the Committee and ask officers to introduce themselves.
2. The Chair of the Licensing Sub Committee will ask the following parties to introduce themselves:
 - i. the applicant and any witnesses they wish to call.
 - ii. any person who has made representations and any witnesses they wish to call.
 - iii. the licence holder, together with any person representing them and any witnesses they wish to call.
3. The Licensing Officer will introduce the report and provide any updates.
 - i. Questions solely concerning the report can be asked by Members, the applicant, persons making representations and the licence holder.
4. The Chair of the Licensing Sub Committee will then invite:
 - i. **the applicant** to present their application and call any witnesses.
 - ii. **any person who has made representations** to present their representations and call any witnesses.
5. The Chair of the Licensing Sub Committee will then invite:
 - i. **the licence holder** to respond to the application, and representations, and call any witness.

Members of the Sub Committee, followed by the applicant, any person who has made representations, and the licence holder may ask questions of all person's listed in 4 & 5 above and any person who have given evidence on their behalf as a witness.

6. **The applicant will then be given the opportunity to sum** up the application.
7. **The licence holder will then be given the opportunity to sum up**
8. The public hearing will then be concluded, and the Sub Committee will go into closed session, together with the Councils Solicitor and the Clerk to the meeting.
9. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made thereunder.

Note:

- At any time throughout the hearing Members of the Licensing Sub Committee may request legal advice from the Council's Solicitor. Any advice sought during closed session will be included in the notice setting out the decision.
- The Committee Hearing will be held in public unless and in accordance with relevant Regulations the Licensing Sub Committee determine that the public should be excluded.

Licensing Act 2003

Premises Licence

P1010

Part 1 - Premises Details

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

Aro Mini Market

12 Fitzwilliam Road, Eastwood, Rotherham, South Yorkshire, S65 1PT.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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
The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	8:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	11:00pm

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

Sangar Mohammad

Flat B , 389 Harrow Road, Westminster, London, W9 3NA.

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

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Sangar MOHAMMAD



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. 22/09857/LIPERS

Issued by Westminster



Licensing Act 2003 Premises Licence

P1010

ANNEXES

Mandatory Conditions

All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

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. (1) The responsible person must 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.
 - 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 in a manner which carries a significant risk of undermining a licensing objective;
 - 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 in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the



Licensing Act 2003 Premises Licence

P1010

ANNEXES continued ...

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 favourable manner.

e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) 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 either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.
6. The responsible person shall ensure that -
 - (a) 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
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing



Licensing Act 2003 Premises Licence

P1010

ANNEXES continued ...

1. 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.
2. For the purposes of the condition set out in paragraph 1 -
 - (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 -

$$P = D + (D \times V)$$

Where -

 - (i) P is the permitted price
 - (ii) D is the amount 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.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the 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.
4. (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.



Licensing Act 2003 Premises Licence

P1010

ANNEXES continued ...

(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.

If the Premises Licence has conditions in respect of Door Supervision [except theatres, cinemas, bingo halls and casinos]

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
 - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 Conditions consistent with operating schedule Prevention of Crime and Disorder

1. The licence holder shall ensure that a digital CCTV system shall be installed and operated during the hours that alcohol is being sold. The system shall have a 28 day recording and retrieval system and footage shall be capable of being downloaded onto a portable



Licensing Act 2003
Premises Licence**P1010****ANNEXES continued ...**

storage device such as memory stick or DVD. The CCTV cameras shall cover the entire licensed area of the premises, including the till area where payment is made for alcohol.

2. The premises licence holder shall ensure that the Information Commissioner's Office is notified of the CCTV system and that the data controller is aware of the Information Commissioners advice in relation to the storage and handling of personal data, including when it can be provided to third parties.

3. The licence holder shall ensure that equipment shall be operated and maintained in good and clear working order

4. The licence holder shall ensure that at least one staff member shall be trained in the use of the system to ensure rapid data retrieval and download is retrieved should it be required immediately by a Police Officer or Council Licensing Enforcement Officer, and in any event within 24 hours.

5. The licence holder shall ensure that notice of CCTV in operation shall be displayed in a clear and prominent position at the premises.

6. The licence holder shall ensure that an incident register shall be maintained and kept on site at all times to record all incidents involving anti-social behaviour, injury and ejections from the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the incident, and details of the nature of the incident and names of any other staff involved or to whom the incident was reported.

7. The licence holder shall ensure that the register shall include the details of any Police Officer who attended the incident, names and addresses of any witnesses, and confirmation as to whether there is CCTV footage of the incident.

8. The licence holder shall ensure that this register shall be made available for inspection by South Yorkshire Police or Local Authority Enforcement Officers immediately upon request.

9. The licence holder shall ensure that new staff shall receive induction training at the commencement of their employment at the premises, including drug awareness and underage sales training. This training shall be recorded.

10. The licence holder shall ensure that staff refresher training shall take place on a six monthly basis and be recorded.

11. The licence holder shall ensure that all staff training records shall be maintained by the DPS or Premises Licence Holder, maintained and available immediately for inspection upon



Licensing Act 2003 Premises Licence

P1010

ANNEXES continued ...

request by South Yorkshire Police or Local Authority Enforcement Officers.

12. The licence holder shall ensure that no open vessels containing alcoholic products shall be permitted to be taken into the premises, and no open vessels containing alcohol shall be allowed to be taken from the premises during trading hours.

Public Safety

13. The licence holder shall ensure that the licence holder shall ensure that staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police. All relevant fire procedures are in place for a store of this size.

The licence holder shall ensure that an instore accident book will be in operation to record any accident/ injury incurred on the premises. This document will be retained for inspection by the store for a period of three years

Prevention of Public Nuisance

14. The licence holder shall ensure that customers will be reminded by way of clear and prominent notice at the entrance/exit door to please leave the premises quietly and have consideration for any neighbouring residential properties

Protection of Children from Harm

15. The licence holder shall ensure that the premises shall adopt a Challenge 25 proof of age scheme approved by South Yorkshire Police. Signage shall be displayed in the premises that Challenge 25 is the age verification policy adopted at the premises.

16. The licence holder shall ensure that notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person less than 18 years of age.

Annex 3 Conditions attached after a Hearing of Licensing Authority

None.

Annex 4 Plans

Attached: Rev01.22817



**Licensing Act 2003
Premises Licence**

P1010

ANNEXES continued ...



Licensing Act 2003

Premises Licence Summary P1010

Premises Details

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

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WHERE THE LICENCE IS TIME LIMITED THE DATES

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THE OPENING HOURS OF THE PREMISES

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WHERE THE LICENCE AUTHORIZES 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

Sangar Mohammad

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

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Sangar MOHAMMAD

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

Not applicable

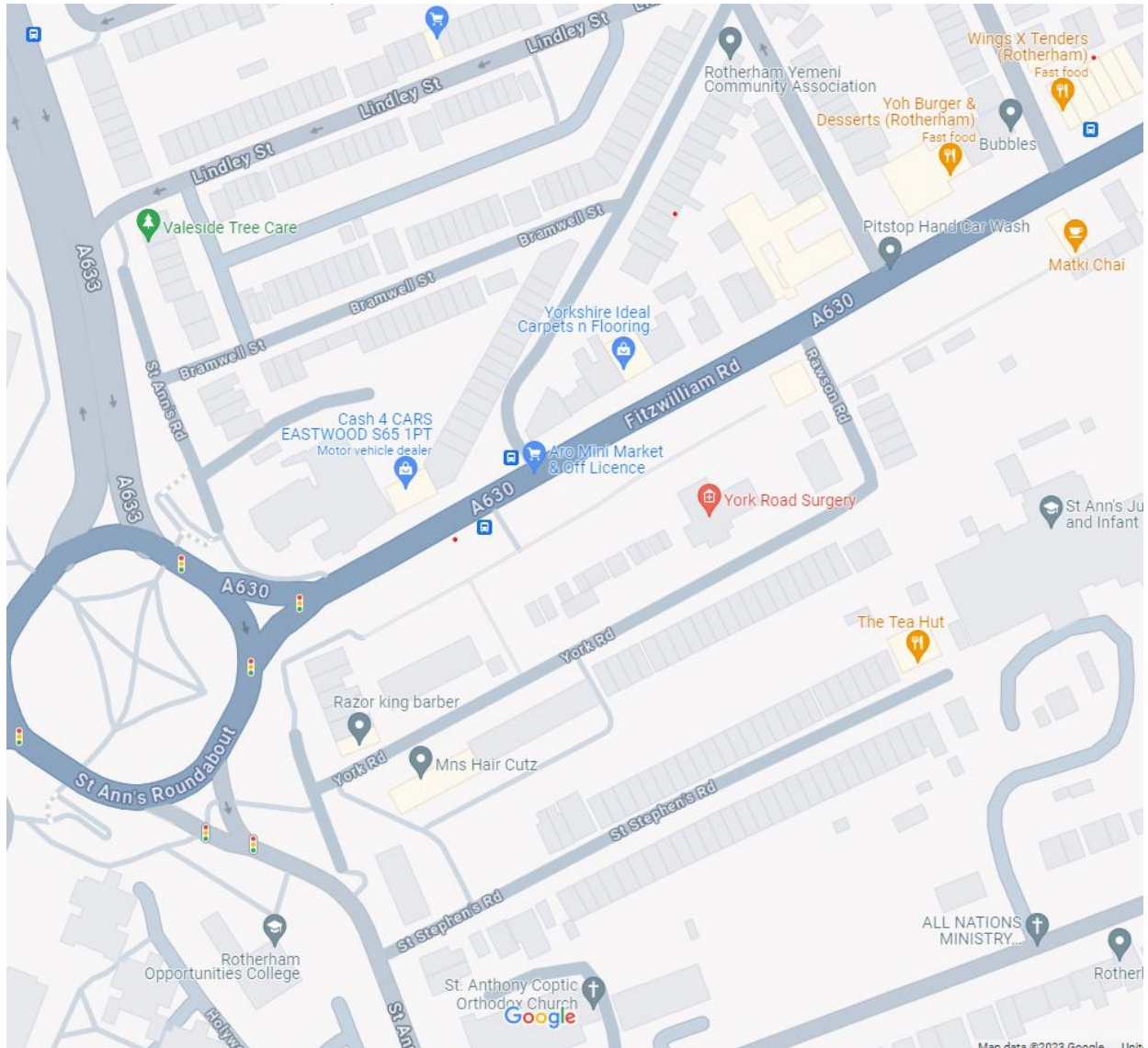


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Appendix 2

Location Plan –

Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT



Street View – Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT



Appendix 3

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

I, **Dave Lodge, Principal Trading Standards Officer**

(Insert name of applicant)

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, if none, ordnance survey map reference or description

**ARO MINI MARKET
12 FITZWILLIAM ROAD
EASTWOOD**

Post town
ROTHERHAM

Post code (if known)
S65 1PT

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

MR SANGAR MOHAMMAD

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

Premises Licence No: P1010

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not 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)

Please tick ✓ yes

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

Surname

First names

Please tick yes

I am 18 years old or over.

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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

**Trading Standards Service
Rotherham Metropolitan Borough Council
Riverside House
Main Street
Rotherham
S60 1AE**

Telephone number **01709 823118**

E-mail address (optional) Trading.Standards@rotherham.gov.uk

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

Please tick one or more boxes

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

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

This review is brought on due to the failure of the licence holder to promote the following licensing objectives:

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

On 14th of February 2023 illicit cigarettes were sold to an undercover test purchaser.

On the 21st of February 2023 and again on the 7th of September 2023 Trading Standards Officers visited and found a significant supply of illegal tobacco and e-cigarette products at the premises.

In addition, at the time of these visits the shop had been left under the control of persons who had no legal right to work in the UK.

The statutory guidance, issued under sec. 182 of the Licensing Act 2003, to which local authorities must have regard to, lists certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. Included in this list is:

- **employing a person who is disqualified from that work by reason of their immigration status in the UK; and**
- **the sale or storage of smuggled tobacco and alcohol**

When a Licence holder knowingly engages in serious criminal activities, which in turn undermines the licensing objectives, the Trading Standards Service considers that no steps that can be taken to address their concerns.

Given the above, the Trading Standards Service is seeking a review of the Premises Licence, with the recommendation that the Premises Licence is revoked.

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

Tobacco use is the leading cause of preventable death and disease. In the UK, it leads to over 100,000 avoidable deaths every year and causes many more people to lose years of active life through smoking-related illnesses. One in two long-term tobacco users will die early as a result of smoking.

Illicit tobacco in the UK remains a significant issue and not least of all in the Yorkshire and Humber region. Around 7 million people continue to smoke which equates to just over 10%. However, in areas like Rotherham the rate remains stubbornly high at just under 18%

Amongst other strategies high prices are known to be an effective means to encourage smokers to quit and therefore government policy is to maintain high levels of taxation. However, in the absence of effective counter measures, high prices can provide an incentive to engage in the illicit tobacco trade which in turn significantly undermines government efforts to reduce smoking prevalence.

Graphic health warnings along with standardised packaging are further measures intended to encourage smokers to quit, however often illicit products do not carry the requisite health warnings and are not compliant with UK labelling requirements.

The illicit tobacco trade exacerbates existing health inequalities between low-income groups and the wider population. Illicit tobacco is most commonly available and purchased in low-income communities, where smoking rates are already disproportionately high.

The availability of cheap illicit tobacco also facilitates smoking among young people. Research from the Northeast of England showed that nearly three quarters of smokers aged 14 to 15 have been offered illicit tobacco, and that 55% have bought it.

Recently E-cigarettes have risen in popularity and are now the most popular quitting aid used by smokers in England, however, there has also been a significant rise in people using them not as a quitting aid but as an alternative to smoking, including young people who previously haven't smoked.

E-cigarettes are regulated in the UK to make sure that they meet minimum safety standards. However, there are many products on sale illegally which fail to meet those standards – often because they have higher levels and concentrations of nicotine, or they contain too much of the e-liquid.

The legal requirement for disposable e-cigarettes is a maximum capacity of 2ml of e-liquid which on average will deliver around 600 puffs or inhalations (i.e., about the same as two packets of cigarettes) Any products claiming to be in excess of this is likely to contain more than 2ml and will therefore be illegal.

Trading Standards and health professionals have serious concerns about the availability of these illegal oversized products and the ease at which they are accessible to consumers, in particular young people. There is growing concern that the availability and appeal of vapes is starting to attract a new wave of users. This is particularly worrying as illegal products provide a much cheaper source to higher levels of nicotine and additionally are unlikely to have gone through the approval processes required for legitimate products.

On the 14th of February 2023 an undercover test purchase was undertaken at the premises of Aro Mini Market, 12 Fitzwilliam Road Rotherham. During the test purchase a single packet of 20 L&M Fine Cut cigarettes were sold for £6.

The cigarettes were later confirmed to be counterfeit. As a result of the test purchase a warrant was obtained to enter the premises of Aro Mini Market.

On the 21st of February 2023 along with South Yorkshire Police and a tobacco detection dog handler, officers from Trading Standards attended at Aro Mini Market and entered the premises. During a search of the premises a quantity of illegal tobacco, cigarettes and vapes were discovered.

The illegal cigarettes and tobacco were discovered concealed in a toolbox which was behind the counter, whilst the illegal vapes were on display on the counter.

The following items were subsequently seized from the premises.

- 202 packets/3569 Sticks Illegal Cigarettes.
- 43 packets/1560 Grams of Tobacco.
- 2 Elux 3500 Vapes.

The premises were under the control of a male who was the only person on the premises at the time of the visit. Officers were shown a driving license which identified the male as HERISH TAWFIQ ALI D.O.B 17.01.82. An officer from SYP rang Immigration who confirmed that Mr Ali had no legal right to work in the UK.

On the 16th May 2023 a visit was made to Aro Mini Market and a responsible retailer advise pack was left at the premises.

On 18th August 2023 an email was received by Trading Standards with information that the store was selling illicit tobacco, the email was from a Mr Sangar Mohammad who stated that he was the owner of the shop and that the people who he had left in charge of the shop were using it for their own personal interest. A copy of this email is attached at Annex 1 to application.

The email was forwarded to colleagues in Licensing for their attention and action. In addition, on the 7th of September 2023 Trading Standards along with SYP Officers made a further visit to Aro Mini Market. Upon entering the premises, a male member of staff was observed serving a customer.

Immediately after the transaction concluded the male was approached by officers from Trading Standards and his identity established.

The officers examined his identity card and established his details as RAHIM SOLTAN D.O.B 21- 03- 83 and also that he should not be working in the UK. SYP officers contacted immigration whilst at the premises who confirmed that Mr Soltan should not be working and that they will take the matter up.

The officers then searched the premises and subsequently seized the following illegal items:

229 illicit vapes displayed both on the counter and also behind the counter, as follows:

- Lost Marys 1500
- Solo+ 3500
- Elux 3500
- Solo+800
- Firerose 4500

87 packets/1700 sticks of illegal cigarettes and 16 packets/800 grams of rolling tobacco concealed in a black holdall and a shopping bag placed behind the counter.

The above evidence supports this review application, which recommends that the Premises Licence is revoked on the grounds of the failure of the licence holder to promote the following licensing objectives:

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

Please tick ✓ yes

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

NO

If yes please state the date of that application

Day	Month	Year

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

N/A

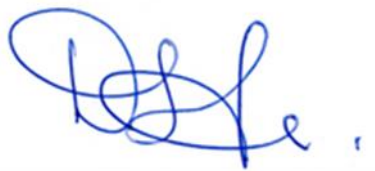
Please tick ✓ yes

- 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 **25/10/2023**

Capacity **Principal Trading Standards Officer**

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

**Dave Lodge, Principal Trading Standards Officer
Rotherham Metropolitan Borough Council
Riverside House
Main Street**

Post town
Rotherham

Post Code
S60 1AE

Telephone number (if any) **01709 808211**

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Dave.lodge@rotherham.gov.uk

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.

Supporting Information to the Application

Annex 1

From: Sangar Mohammed <sangaryousif10418@gmail.com>
Sent: 18 August 2023 19:33
To: Dave Lodge <Dave.Lodge@rotherham.gov.uk>
Subject: Hi

You don't often get email from sangaryousif10418@gmail.com. [Learn why this is important](#)

Hello Mr lodge,
Someone helped me to get your email at trading standard. Please help me I got a big problem with my shop.

My name is Sangar mahmmod. I own a shop in (Rotherham/ 12 Fitzwilliam road/s65 1pt) I have license for everything. But it's been for over a month I am out side UK, due to emergency situation with my family. I just realised the people who I left my shop with them, they are using my shop for personal interest and illegal things. They are selling illegal cigarets. And the house that I used to live (Rotherham/ hatherley road 8 / s65 1ry) which is behind the shop, they made it as store for the shop and put lots of illegal cigarets. It's like the took over my shop and my house.

Please help me, because I am not responsible if you go there and capture everything and looking for the owner. Before the raid I am telling you these stuff
Even the house that they use it as a storage for illegal cigarettes is under my name I got it from the land lord.

By the way, the one who is doing that behind my back his name is (shahram bahrami)

And early this year when I was in holiday, the shop was raided for illegal cigarettes. You have the data regarding to that.

Any other things you want to know, I will be ready to answer you through only email. Because I am not in uk to use phone call.

Name: sangar Mohammad
Email: sangaryousif10418@gmail.com
Company register number: 14783966
Yaran mini market LTD. Thanks 🙏

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Appendix 4

Community Safety and Street Scene

Licensing Service

Riverside House, Main Street, Rotherham, S60 1AE

Direct Line: (01709) 247400

Email: licensing@rotherham.gov.uk



22nd November 2023

Representations made on behalf of the Licensing Authority to the application to review of a Premises Licence issued to Mr Sangar Mohammad in respect of Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT

Licence Details

The above mentioned store has the benefit of a Premises Licence (No.P1010) that authorises the sale of alcohol for consumption off the premises. The Licence is issued to Mr Sangar Mohammad, who is also named on the Licence as the designated premises supervisor (DPS).

The Licence was transferred to Mr Sangar Mohammad, with immediate effect on 9th November 2023, and is subject to the mandatory conditions and eighteen management control conditions, all of which were on the Licence at the time of transfer. by The Licence conditions are attached at Annex A to this representation.

Recommendation

The Licensing Authority is satisfied that the Licence holder, Mr Sangar Mohammad, is operating the premises in a manner that fails to promotes the licensing objectives of:

- The Prevention of Crime & Disorder
- Public Safety; and
- The Protection of Children from Harm.

The Licensing Authority recommendation is that **the Licence is revoked.**

Grounds for Recommendation

The Licensing Team were informed illegal tobacco, cigarettes and vapes had been seized from the premises by the Trading Standards Service and provided with a copy of the email the licence holder, Mr Sangar Mohammad, sent to Mr Lodge (Principal Trading Standards Officer) on 18th August 2023.

On 6th October 2023 an email was sent to Mr Sangar Mohammad which, in summary:

- made him aware that he was responsible for promoting the licencing objectives;
- suggested that if he was no longer in control of the shop that he should surrender the Licence; asked who was currently in day to day management of the shop; and
- advised how to vary the DPS on the Licence.

The email from Mr Sangar Mohammed is attached to the review application and a copy of the email sent by Licensing to Mr Sangar Mohammad is attached at Annex B to this representation.

Mr Sangar Mohammad did not reply to the email sent on 6th October 2023.

On 10th October 2023, Licensing Enforcement Officers with Police Licensing Enforcement Officer visited the shop with the intention of conducting a Licence compliance inspection. However, a full compliance inspection was abandoned due to the fact that neither of the two people in charge of the shop at the time of the visit had any knowledge of the terms and conditions of the Licence or Challenge 25. In addition both spoke very little English, claimed to be “just helping out for a friend” and, when questioned, said they had received no training.

During this visit Officers witnessed the sale of alcohol to a customer, which was made in breach of the terms and conditions of the Licence.

On 11th October 2023 a letter was sent to the Mr Sangar Mohammad explaining what had happened at the visit fully and providing advice that:

“.....until such time that you are in a position to ensure compliance with all the terms and conditions of the Licence that you stop selling alcohol with immediate effect and remove all alcohol from the public area of the shop”.

It was also made clear to Mr Sangar Mohammad in the letter that:

“Every sale of alcohol made in breach of the terms and conditions of the Licence is unlawful”.

The letter also requests a face to face meeting with Mr Sangar Mohammad as soon as he returned to the UK.

A copy of the letter sent to Mr Sangar Mohammad on 11th October 2023 is attached at Annex C to this representation. This letter was posted to the home address provided by him at the time the Licence was issued, sent by email and hand delivered to the shop.

In addition, a copy of the letter was hand delivered to the shop for the attention of Mr Shehram Ahmad Behrami, who had spoken to Officers the previous day and claimed to have been left in his charge of the shop by the licence holder. It is unknown if this is the same person the licence holder, Mr Sangar Mohammad, claimed in his email of 18th August 2023, had taken over his shop and home. The name he gave in this email is “Shahram Bahram”.

On 16th October 2023 an Officer attended the shop and was sold alcohol. Immediately after the sale Licensing Enforcement Officers entered the shop and identified that there was no CCTV system installed at the shop, which made the sale unlawful. The person who made the sale, and was in sole charge of the shop, was Mr Ahmadi Ari. Officer recognised Mr Ahmadi Ari as one of the men who had been in charge of the shop when they had visited on 10th October 2023, and who had claimed he was “just helping out for a friend”.

Mr Ahmadi Ari made a call and then handed the mobile phone to an Officer stating “My friend, Shehram, he's coming now”. The Officer spoke to the person on the phone, who identified themselves as Mr Shehram Ahmed Behrami and stated he was on his way back to the shop having left for food.

Officers waited at the premises until Mr Shehram Ahmed Behrami arrived, who when asked confirmed that the CCTV system was no longer in use. Officers reiterated the information provided to Mr Shehram Ahmed Behrami in letter that had been hand delivered to him on the 11th October 2023, that any sale of alcohol was in breach of the licence conditions and therefore unlawful.

Officers asked that all alcohol be removed from display or covered over if there was insufficient storage at the premises. This was agreed. Mr Shehram Ahmed Behrami then telephoned the licence holder, Mr Sangar Mohammed, in order that he could speak in person to Officers. In this conversation, Mr Sangar Mohammed, stated he believed “everything to be fine now”. Officers reiterated the position and stated all alcohol was to be removed or covered and that no alcohol could be currently sold as the sale would be unlawful. The conversation concluded with Mr Sangar Mohammed confirming to Officers that he understood this instruction.

On 12th October 2023 an email from Mr Sangar Mohammed was received, in which he stated that he wanted to let Licensing know that everything “*is fine and running good*”. In this email Mr Sangar Mohammed retracts the information he provided to Mr Lodge, Principal Trading Standards Officer, in his email of 16th August 2023. A copy of email and the reply sent on the same date to Mr Sangar Mohammed is attached at Annex D to this representation.

At the time of writing, this is the only communication received by the Licensing Team from to Mr Sangar Mohammed.

On 26th October 2023 Officers hand delivered a copy of the review application submitted by the Trading Standards Service to the premises and, whilst there posted a notice advertising the review application in the window of the shop. At the time of this visit the shop was in the sole control of Mr Omid Mohammadi, who tried, but failed, to call the Licence holder Mr Sangar Mohammed. Mr Omid Mohammadi then called Mr Shehram Ahmed Behrami, who spoke with the Officer and told them that he was currently at Costco and that the Licence holder was in Iraq. Whilst at the shop Officers witnessed Mr Omid Mohammadi sell alcohol.

Summary

The Licensing Authority is satisfied that the grounds provided in this representation supports the recommendation that the Premises Licence issued to Mr Sangar Mohammed in respect of Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT is revoked.

The Mr Sangar Mohammed has demonstrated a complete lack of management control at the shop and, despite having received appropriate advise, has continued to breach the terms, conditions and restriction of the Licence.

The Licensing Authority considers the revocation of the Premises Licence to be the sole mechanism available to the Sub Committee to ensure the promotion of licensing objectives.

Diane Kraus
Principal Licensing Officer

ANNEX A

Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT - Premises Licence No. 1010

The applicable mandatory conditions are:

- 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.
- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 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.

The conditions offered by the Licence holder and attached to the Licence are:

1. The licence holder shall ensure that a digital CCTV system shall be installed and operated during the hours that alcohol is being sold. The system shall have a 28 day recording and retrieval system and footage shall be capable of being downloaded onto a portable storage device such as memory stick or DVD. The CCTV cameras shall cover the entire licensed area of the premises, including the till area where payment is made for alcohol.
2. The premises licence holder shall ensure that the Information Commissioner's Office is notified of the CCTV system and that the data controller is aware of the Information Commissioners advice in relation to the storage and handling of personal data, including when it can be provided to third parties.
3. The licence holder shall ensure that equipment shall be operated and maintained in good and clear working order.
4. The licence holder shall ensure that at least one staff member shall be trained in the use of the system to ensure rapid data retrieval and download is retrieved should it be required immediately by a Police Officer or Council Licensing Enforcement Officer, and in any event within 24 hours.
5. The licence holder shall ensure that notice of CCTV in operation shall be displayed in a clear and prominent position at the premises.
6. The licence holder shall ensure that an incident register shall be maintained and kept on site at all times to record all incidents involving anti-social behaviour, injury, and ejections from the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the incident, and details of the nature of the incident and names of any other staff involved or to whom the incident was reported.

7. The licence holder shall ensure that the register shall include the details of any Police Officer who attended the incident, names, and addresses of any witnesses, and confirmation as to whether there is CCTV footage of the incident.

8. The licence holder shall ensure that this register shall be made available for inspection by South Yorkshire Police or Local Authority Enforcement Officers immediately upon request.

9. The licence holder shall ensure that new staff shall receive induction training at the commencement of their employment at the premises, including drug awareness and underage sales training. This training shall be recorded.

10. The licence holder shall ensure that staff refresher training shall take place on a six monthly basis and be recorded.

11. The licence holder shall ensure that all staff training records shall be maintained by the DPS or Premises Licence Holder, maintained and available immediately for inspection upon request by South Yorkshire Police or Local Authority Enforcement Officers.

12. The licence holder shall ensure that no open vessels containing alcoholic products shall be permitted to be taken into the premises, and no open vessels containing alcohol shall be allowed to be taken from the premises during trading hours.

13. The licence holder shall ensure that the licence holder shall ensure that staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police.

14. All relevant fire procedures shall be in place for a store of this size.

15. The licence holder shall ensure that an instore accident book will be in operation to record any accident/ injury incurred on the premises. This document will be retained for inspection by the store for a period of three years.

16. The licence holder shall ensure that customers will be reminded by way of clear and prominent notice at the entrance/exit door to please leave the premises quietly and have consideration for any neighbouring residential properties.

17. The licence holder shall ensure that the premises shall adopt a Challenge 25 proof of age scheme approved by South Yorkshire Police. Signage shall be displayed in the premises that Challenge 25 is the age verification policy adopted at the premises.

18. The licence holder shall ensure that notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person less than 18 years of age.

ANNEX B

From: Diane Kraus
Sent: 06 October 2023 10:33
To: sangaryousif10418@gmail.com
Cc: Dave Lodge <Dave.Lodge@rotherham.gov.uk>
Subject: FW: Aro Store , 12 Fitzwilliam Road, Rotherham S65 1PT

Hello Mr Mohammed

The email you sent to Mr Lodge has been forwarded to me for consideration.

From your email I am unsure if you are still in control of the shop. In it you say you are “not responsible”. However, you need to be aware that as the holder of the Premises Licence, which allows alcohol to be sold, **under licensing law you are responsible** for the sale of alcohol at the shop and the promotion of the licensing objectives, which are:

- preventing crime and disorder
- public safety
- prevention of public nuisance
- protecting children from harm.

If you are no longer in control of the shop, then you are unable to ensure it operates in a manner that promotes the licensing objectives. If this is the true, you should surrender the Premises Licence (copy attached). Whilst this will mean that alcohol cannot be lawfully sold at the shop, it will also mean that you are no longer accountable for any breaches of licensing law.

You can surrender the Licence by responding to this email, confirming that is your wish. You will then need to post the Licence document to this office (Licensing Team, Rotherham MBC, Riverside House, Main Street, Rotherham S60 1AE).

If you are still in control of the shop and wish to continue to hold the Premises Licence, then you need to confirm who is responsible for the day-to-day management of the shop (the Designated Premises Supervisor). You are currently named on the Licence as the Designated Premises Supervisor. Whilst it is accepted that the Designated Premises Supervisor may be away from the shop when on holiday or to deal with a family emergency, long periods of absence are not acceptable. Licensing law has a simplified process, which allows the Licence holder to designate an alternative Designated Premises Supervisor. The person designated must hold a Personal Licence and must be in day-to-day management of the shop. The application form to allow this, together with the form that the person who is designated must sign, are attached. The fee is £23 and completed application forms must be returned to licensing@rotherham.gov.uk.

Regards

Diane Kraus
Principal Licensing Officer
Community Safety and Street Scene
Regeneration and Environment Services
Riverside House Wing A, Floor 3, Near Pod A33
Rotherham Metropolitan Borough Council , Riverside House, Main Street, Rotherham,
S60 1AE

**Community Safety and Street Scene
Licensing Service**

Riverside House, Main Street, Rotherham, S60 1AE
Direct Line: (01709) 247400 Fax: (01709) 371149
Email: licensing@rotherham.gov.uk

My Reference: LA2003/Reps.
Please ask for: Diane Kraus

Rotherham
Metropolitan
Borough Council 
Your reference:
Date: 11th October 2023

Mr Sangar Mohammad
Flat B, 389 Harrow Road,
Westminster
London,
W9 3NA.

Dear Mr Mohammad

RE: LICENSING ACT 2003 - PREMISES LICENCE (Number: P1010)
ARO MINI MARKET, 12 FITZWILLIAM ROAD, EASTWOOD, ROTHERHAM, S65 1PT.

With reference to the Premises Licence issued to you in respect of the above named shop and further to my email of 6th October 2023 (copy attached), to which, at the time of writing, you have not responded.

Yesterday, the 10th October 2023, the Council's Licensing Enforcement Officer visited the shop with the intention of conducting a Licence compliance inspection. However, a full compliance inspection was abandoned due to the fact that neither of the two people in charge of the shop at the time of the visit had any knowledge of the terms and conditions of the Licence or Challenge 25. In addition both spoke very little English, claimed to be "*just helping out for a friend*" and, when questioned, said they had received no training. It was however noted that there was no CCTV operating at the shop, which the officer was told had been seized by the Council. There were also no Challenge 25 poster on display.

For your information, I have today contacted the Council's Trading Standards Service, who have confirmed that they removed the CCTV system installed at the premises when they recently seized illicit cigarettes, tobacco and vapes from the shop.

Regarding the people in charge of the shop, upon arrival a man who gave his name as Mr Ali was behind the counter of the shop. He then telephoned his friend, who arrived within minutes, at which point he immediately left the shop.

The second man gave his name as Rahim Sotani and provided a resident's permit as a means of ID, which stated he did not have the right to work in the UK. Mr Sotani told us that the first man was called Amir Mohamdi, which did not match the name he had provided.

Mr Sotani then contacted his friend, who the officer spoke to on the phone. This person, who gave his name as Sherham Ahmad Behrami. Mr Behrami told the officer that you were in Norway, had left him in charge of the premises, that he held a Personal Licence and that he was currently in Leeds. He confirmed that Mr Sontanti was a friend who was just helping out.

Whilst at the shop, the officer witnessed Mr Sotani sell alcohol to a customer. This sale was in breach of the terms and conditions of the Licence. Specifically, the conditions 1, 9, 15 & 16 of Annex 2 to the Licence which specify:

1. The licence holder shall ensure that a digital CCTV system shall be installed and operated during the hours that alcohol is being sold. The system shall have a 28 day recording and retrieval system and footage shall be capable of being downloaded onto a portable storage device such as memory stick or DVD. The CCTV cameras shall cover the entire licensed area of the premises, including the till area where payment is made for alcohol.

9. The licence holder shall ensure that new staff shall receive induction training at the commencement of their employment at the premises, including drug awareness and underage sales training. This training shall be recorded.

15. The licence holder shall ensure that the premises shall adopt a Challenge 25 proof of age scheme approved by South Yorkshire Police. Signage shall be displayed in the premises that Challenge 25 is the age verification policy adopted at the premises.

16. The licence holder shall ensure that notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person less than 18 years of age.

The appropriate course of action with regard to the noncompliance witnessed by the officer is under consideration. This may include the instigation of legal proceeds against you and/or the review of the Licence.

I would strongly advise you, that until such time that you are in a position to ensure compliance with all the terms and conditions of the Licence that you stop selling alcohol with immediate effect and remove all alcohol from the public area of the shop.

Every sale of alcohol made in breach of the terms and conditions of the Licence is unlawful.

As the CCTV has been seized as part of a Trading Standards operation this means you will have install a new system in accordance with the conditions of the Licence if you want to sell alcohol.

Also, officer are keen to meet with you in person to further discuss this matter. Please can you give me an indication as to when you expect to return to the UK so that a meeting can be arranged.

Finally, you will note that whilst this letter has been sent to you at the address you gave as your home address when applying for the Licence, a copy has been sent to you by email and hand delivered to the shop. In addition Mr Behrami has also had a copy of this letter hand delivered to the shop in order that he is fully aware of the advice you have been given.

Yours sincerely

Diane Kraus
Principal Licensing Officer

cc. Mr Sangar Mohammad - sangaryousif10418@gmail.com

Mr Sangar Mohammad, Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT

Mr Sherham Ahmad Behrami, Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT

ANNEX D

-----Original Message-----

From: Sangar Mohammed <sangaryousif10418@gmail.com>

Sent: 12 October 2023 14:36

To: Diane Kraus <Diane.Kraus@rotherham.gov.uk>

Subject: Hi

Hello

My name is sangar mohammad I have own a shop in Rotherham 12 FITZWILLIAM ROAD post code is S65 1PT. I would like to inform you that everything is fine in my shop. One of my shop neighbour called me and he gave me wrong information in that case i sent you email before, but when I checked everything now i am make sure. He didn't do nothing wrong and any illegally cigarette . Now I want to let you know everything is fine and running good. I wanna keep selling alcohol, Now I am outside uk soon i go back. Thanks for helping. Thankas sangar mohammad

-----Original Message-----

From: Diane Kraus

Sent: 12 October 2023 15:28

To: Sangar Mohammed <sangaryousif10418@gmail.com>

Cc: JO BELTON <Jo.Belton@southyorks.pnn.police.uk>; Lisa Underwood-Parkin <lisa.underwood-parkin@rotherham.gov.uk>; Oliver Ashton <Oliver.Ashton@rotherham.gov.uk>

Subject: RE: Hi

Dear Mr Mohammed

Everything is not ok with your shop. There are conditions on the Licence which are not being complied with. Until the shop operates in compliance with the licence conditions then every sale of alcohol made at the shop is unlawful. I explained this, in detail, in the letter I emailed to you yesterday. I have attached a further copy of this letter.

I repeat my advice, which is that you should stop selling alcohol until the shop can operate in compliance with all the conditions of the licence . You need to make sure that every person who works in the shop has received appropriate training. Also, if you are not in day-to-day management of the shop you need to vary the licence to designate the person who is. You have already been told this and sent the application form to make such an application. I further copy of this application form to vary the DPS is attached.

You hold a Personal Licence so must have received training in licensing law. However, to be clear, you as the Licence holder, are responsible, regardless of not being in the UK. You have a duty to ensure that adequate arrangements are in place to ensure the promotion of the licensing objectives. You are failing in this duty

This is a very serious matter, if you do not understand this, or unsure what you need to do, then you should seek independent legal advice. I strongly urge you to contact a licensing solicitor. You are at serious risk of having your Licence revoked and legal proceedings being brought against you.

Regards

Diane Kraus

Principal Licensing Officer



South Yorkshire
POLICE

South Yorkshire Police
Moss Way Police Station
Moss Way
Sheffield
S20 7XX

RE- Application to review.

Aro Mini Market
12 Fitzwilliam Road,
Rotherham S65 1PT

Following on from a visit by Trading Standards to the above premise, where illegal tobacco, cigarettes and illicit Vapes were discovered, at the premise.

South Yorkshire Police support Rotherham Trading Standards review of the premise.

The sale of illegal tobacco, cigarettes and illicit Vapes at a licensed premises demonstrate a failure on the part of Licence holder to comply with the licensing objective of preventing crime and disorder.

Yours faithfully,

Jo Belton

For and on behalf of

Chief Constable, South Yorkshire Police

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WITNESS STATEMENT

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

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Statement of Karen NUTTALL

Age if under 18 Over 18..... (If over 18 insert "over 18") Occupation: Police Constable 3682

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 in it, anything which I know to be be true.

Signature ..  (witness) Date: 13th December 2023

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

I am a Police Constable in South Yorkshire Police currently stationed at Maltby Police station in Rotherham.

On Monday 11th December 2023 a Test Purchase Operation was conducted in relation to the sale of alcohol to under-age persons from Off Licence and On Licence premises.

At 20:02 hours on this date we visited ARO MINI MARKET, 12 FITZWILLIAM ROAD, EASTWOOD, ROTHERHAM S65 1PT for the purpose of conducting the test purchase.

During this test purchase operation shop staff, Rahim SOLTANI born 21/03/1983 sold a bottle of VK Blue to a 15-year-old Police Cadet.

SOLTANI did not ask for their age or identification and was issued with a £90.00 Fixed Penalty Notice and reported to South Yorkshire Police Licencing Department.

Signature: ...  Signature Witnessed by:

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Hello both,

Oli and I visited the premises on 12th December at 10:00 a.m.

Present was Shehram Ahmad Behrami, (PLH) and Rahim Soltani.

We asked who was the licence holder and Mr Behrami was stated that he “thinks my boss, Sanghir has sold to Bakhtiar”.

We carried out a licensed inspection:

The licence summary was on display.

1. The CCTV system was working and had footage which commenced on 2nd November. We asked if this was the date the CCTV was fixed and they started to sell alcohol, they stated they thought it was. Further stating that they stopped selling alcohol for “about two to three days, or one week” after they were told they could not sell alcohol on our visit on 11th October.
2. Mr Behrami was not aware if any registration with the Information Commissioners Office.
3. CCTV system currently in working order.
4. Mr Behrami was able to navigate through the CCTV and confirmed he was able to retrieve forage, if required.
5. A CCTV in operation sign was on the premises front door.
6. There was no incident register on the premises. Mr Behrami stated he thought they had one, but couldn't find it.
7. No incident register available to check what details are maintained.
8. No incident register to be made available to Police or Licensing Enforcement.
9. There were no training records on the premises, Mr Soltani stated (his understanding of English was very poor and Mr Behrami interpreted for him) that he was trained about about 3 or 4 months since, despite telling us on our first visit on 10th October that he had received no training at all.
10. No refresher training was evidenced.
11. No training records were available for inspection.
12. Mr Behrami confirmed they do not permit open vessels containing alcohol to leave the premises.

13. There was no evidence of any training records with relation to dealing with any potential danger, we had no confidence that any training had taken place by anyone. Nothing in place with regards to Fire procedure. No accident book present at the store with staff having no knowledge of one.
14. There was no sign asking for customers to leave quietly.
15. Mr Behrami was not sure what was meant by the 'Challenge policy', once it was explained he stated "up to 25, we're not allowed to sell to underage, or if they've had too much to drink".
16. Both were not aware of 'proxy sales', and there was no signage displayed at the premises.

Lisa Underwood-Parkin
Licensing Enforcement Officer
Licensing
Community Safety and Street Scene
Regeneration and Environment Services
Rotherham Metropolitan Borough Council, Riverside House, Main Street,
Rotherham, S60 1AE

Telephone: 01709 808139
Email: Lisa.Underwood-Parkin@rotherham.gov.uk
Visit our website: <http://www.rotherham.gov.uk>