

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
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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

(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"/>

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

APPENDIX 3

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**

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

Post town

Post Code

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.