

WITNESS STATEMENT

(Criminal Justice Act 1967 Section 9, Magistrates Court Act 1980, Section 5B
and Criminal Procedure Rules, Rule 27.2)

Statement of: Cory Bailey

Age (if under 18): _____ (if over 18 insert "over 18")

Occupation: Licensing Enforcement Officer

This statement (consisting of 4 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 false or do not believe to be true.

Dated the 3rd day of August 2022

Signature C.BAILEY.....

Witness

I am the above-named person and currently employed as a Licensing Enforcement Officer operating from Riverside House, the offices of Rotherham Metropolitan Borough Council. My duties include liaising with Hackney Carriage and Private Hire Drivers and conducting investigations concerning Private Hire and Hackney Carriage Drivers, vehicles, Private Hire Operators, and licensed premises.

On 3rd February 2022 the Senior Licensing Enforcement Officer Rachael Winstanley assigned me to inspect Rotherham's Best following PC Teresa Kenny emailing the licensing service on 15th December 2021. PC Teresa Kenny's email stated that; a female student from Thrybergh went to a shop and bought vodka, the male behind the counter asked if she was 18, and the student replied she was 16 and he told her she looked nice and served her. This was then drunk by her and a year 8 from Clifton School. I exhibit this email for exhibition as CPB1.

On February 9th, 2022, I visited Rotherham's Best, 88 Clifton Street, Rotherham, S65 2ST to undertake a compliance visit. During the visit officers spoke with Mr Ilyas Nishat and no other members of staff were present. When questioned about training records Mr Ilyas Nishat stated that no such records exist, and that staff are not trained to the requirements of the Licensing Act 2003. Mr Ilyas Nishat informed us during this visit that Mr Burhan Nishat is not involved at the premises any longer, in return we stated that a

(In addition to signing the declaration above, the witness must sign the statement at the end of the script on each sheet)

SIGNED

WITNESSED

APPENDIX 4

change of DPS form would need to be completed as Mr Burhan Nishat had no business in the day-to-day running of Rotherham's Best. No premises license summary was found on display at Rotherham's Best either. A follow up email was sent the same day to Mr Nishat requesting he completes the transfer of DPS documentation from Mr Burhan Nishat to himself or another person holding a personal alcohol licence. I exhibit this email for exhibition as CPB2.

On the 10th February 2022, I sent an email to Mr Ilyas Nishat detailing what changes needed to be implemented at Rotherham's Best to comply with the conditions set out within Annex 2 of the premises licence alongside best practice guidance. I provide this email for exhibition labelled as CPB3.

On 16th February 2022 I visited the premises to assess whether the required actions were being met. Mr Nishat was present at the premises and spoke with me. I discovered that there had been no progression and it appeared as though Mr Ilyas Nishat had made no attempt to complete the transfer of DPS documentation. None of the Annex 2 conditions were being met and again it appeared as though no effort had been made by Mr Nishat to comply. Mr Nishat was issued a verbal warning from me; an instruction was given to ensure Annex 2 conditions were being complied with and a further visit was scheduled for the following week. Mr Nishat was sent an email following the visit stating that no progress had been made at the premises and that Mr Ilyas Nishat now risked enforcement action against the premises license and that improvement was immediately required. I provide this email for exhibition labelled as CPB4.

On 28th February 2022 I spoke with Mr Nishat and arranged for him and the DPS to attend the offices of the Council for officers to assist them in transferring over DPS status from Mr Burhan Nishat to Mr Ilyas Nishat. This meeting was arranged for 15th March 2022.

On March 2nd, 2022, I visited Rotherham's Best to check compliance. Mr Nishat was not present, however a male who identified himself as Mr Nishat's father was working alongside another employee - Mr Saied Nishat. Mr Saied Nishat stated that he is Mr Ilyas Nishat's only employee and employed on a part-time basis. During this inspection Mr Saied Nishat was unable to locate any of the documentation previously requested. There were no incident records, training records, DPS authorisation records, Challenge 25 Policy and Posters and no licence summary on display. When questioned about training Mr Saied Nishat could not recall any training provided and was not familiar with the Challenge 25 scheme.

On 15th March 2022, Senior Enforcement Office Rachael Winstanley met with Mr Ilyas Nishat and Mr Burhan Nishat at the Council offices, Riverside House, Rotherham, S60 1AE. The process relating to changing the DPS was explained, and both were guided through the process step by step – both stated they fully understood and the DPS would be changed.

On 24th March 2022 at 16:00hrs I visited Rotherham's Best, for a licensed premises inspection by myself. I met with Mr Ilyas Nishat who is the owner of Rotherham's Best and was working behind the till whilst I conducted the inspection. At 16:04hrs I witnessed a dishevelled gentlemen enter the premises clothed in what I would describe as a full tracksuit, he asked to purchase one single cigarette. Mr Nishat then opened a dark green packet of 19 cigarettes which was already partially empty and proceeded to

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WITNESSED

APPENDIX 4

sell one cigarette to the gentlemen over the counter for a fee of 50pence. The gentlemen paid for the cigarette and left the premises immediately afterwards. I noted the time of the interaction in my work notebook to pass onto Trading Standards in the future. I provide these handwritten contemporaneous notes for exhibition labelled CPB5. The inspection also revealed that Mr Ilyas Nishat had the premises licence summary on display in the store available for customers to see alongside Challenge 25 posters. However, training records, refusal records, incidents records, DPS authorisation records, were still not present at the premises. Mr Ilyas Nishat also stated that he had not completed the DPS transfer documentation. Mr Nishat was verbally warned that further action may now follow due to lack of compliance with the premises licence conditions set out in Annex 2.

On the 31st March 2022 a warning letter was sent to Mr Ilyas Nishat. This warning letter contained information regarding best practice, such as records books and incident logs. The letter stated Mr Ilyas Nishat had at least two weeks to implement these changes at the premises. I provide this email for exhibition labelled as CPB6.

On the 6th April 2022 I spoke with Mr Ilyas Nishat by telephone to confirm if any progress had been made at the premises regarding adherence to the premises licence conditions and discussed over the phone step-by-step what changes needed to be implemented and which were best practice.

On 26th April 2022 it was discovered by the licensing service that Rotherham's Best had not paid the annual fee for the calendar years of 2020 and 2021. On the 27th April 2022 a suspension letter was sent to Mr Ilyas Nishat requesting that the fees which were due for payment by 22nd September 2022 be paid within 5 working days. The letter further stated that should the fee not be paid the suspension would come into effect. I provide this email for exhibition as CPB7.

On 6th May 2022, Mr Nishat paid the annual fees for calendar years 2020 and 2021 and the suspension did not take effect.

On 18th May 2022 A visit to Rotherham's Best was undertaken. It was established that Mr Ilyas Nishat still had not completed the transfer of DPS documentation, when questioned about training records Mr Ilyas Nishat stated that they are not in the premises and that they are with his cousin and he stated that he would send officer records, Challenge 25 training and policy as a digital copy via email. It was stated to Mr Ilyas Nishat that if he does not provide officers with the request documents, he remains in contradiction of Conditions 2 and 7 of the premises licence. When questioned about Licence Watch Mr Nishat stated that he had applied however could not confirm who he applied to and could not provide any evidence to support that he was a member of Licence Watch or attending the meetings. Regarding refusal and incident records Mr Ilyas Nishat presented some poor-quality records in the form of sticky notes, it was explained to Mr Ilyas Nishat that these records were insufficient and did not comply with the Annex 2 condition.

On 25th May 2022 another warning letter was sent to Mr Ilyas Nishat stating that Licensing Officers had visited the premises on several occasions and find the premises to not be adhering to several Annex 2 conditions of the premises licence. Mr Nishat was provided with one final opportunity to become compliant with the conditions of the premises licence a warning was given that the Licensing Service must now consider

(In addition to signing the declaration above, the witness must sign the statement at the end of the script on each sheet)

SIGNED

WITNESSED

reviewing the premises licence. I exhibit this email as CPB8.

On 10th June 2022 I visited the premises, during this visit I met with Mr Saied Nishat again and found no training records or any other records at the premises. It appears no attempt had been made to comply with this Annex 2 condition or best practice recommendations. Mr Ilyas Nishat was in Manchester at the time and answered phone calls from officers stating that the books were in the shop, the phone was handed to Mr Saied Nishat, but he could not locate these records. Due to the absence of Mr Ilyas Nishat the inspection was not continued, and no evidence could be located to suggest that Mr Ilyas Nishat had moved forward with compliance of his Annex 2 conditions.

On the 16th June 2022 I was made aware by Principal Licensing Officer Mrs Keeley Ladlow that no application was made by Rotherham's Best to apply for pub watch, which is a condition on its premises licence.

(In addition to signing the declaration above, the witness must sign the statement at the end of the script on each sheet)

SIGNED

WITNESSED

From: TERESA KENNY <Teresa.Kenny@southyorks.pnn.police.uk>
Sent: 15 December 2021 16:59
To: HELEN E COOPER <HelenE.Cooper@southyorks.pnn.police.uk>; NEIL WINDLE <neil.windle@southyorks.pnn.police.uk>
Cc: Alan Pogorzelec <Alan.Pogorzelec@rotherham.gov.uk>
Subject: Underage sales

All

Report received from safeguarding officer at [REDACTED] about Rotherham Best, 88 Cambridge Street , Clifton selling alcohol

A female student from [REDACTED] went to the shop on Sat and bought vodka. Male behind counter asked if she was 18 , she replied she was 16 and he told her she looked nice and served her . Drunk by her and a [REDACTED] from [REDACTED] school

Pupil wouldn't give specifics of shop name and Middle Lane mentioned. Referred to it as Apple juice and the kids know they can be served there . Parents done some digging and its Rotherham Best Off licence and it has blue signs

Its been PIRd

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APPENDIX 4

SYP Alerts offers information about local policing issues by text, email or voice message. Sign-up now at www.sypalerts.co.uk #SignMeUp

From: Cory Bailey
Sent: 09 February 2022 16:56
To:
Subject: RE: Rotherham Council - Licensing - Personal License
Attachments: Personal Licence Applicants Guidance.pdf; Disclosure of convictions and civil penalties declaration.NEW 2020.pdf; Application for a Personal Licence-revised 2017.pdf; Application to vary DPS.pdf; Consent to be DPS.pdf

Categories: Egress Switch: Unprotected

Dear Mr Nishat,

Thanks for your help today during the inspection, following the inspection it has been discovered that you are not a registered personal license holder with ourselves at Rotherham MBC.

It is very important that you complete the attached forms **by the end of this week** please as a matter of urgency. Please complete the personal license documents first, then the DPS documents afterwards as we need the personal license documents first.

Please return them to the following email; licensing@rotherham.gov.uk could you also cc me into these emails at cory.bailey@rotherham.gov.uk so that I can see you have completed them and returned them.

There is also a follow up email to complete in time for next weeks inspection to ensure we have all your documentation up to date. But I will send that as soon as practicably possible.

If you have any questions please do not hesitate to ask.

Kind regards,

Cory Bailey
Licensing Enforcement Officer
Community Safety and Street Scene
Regeneration and Environment Services
Rotherham Metropolitan Borough Council

Email: cory.bailey@rotherham.gov.uk
Visit our website: <http://www.rotherham.gov.uk>

Before printing, think about the environment

Application for a personal licence **APPENDIX 4**

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 or typed in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

1. Your personal details			
TITLE Please tick			
Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other (please state)			
Surname			
Forenames			
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.			
TITLE Please tick			
Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other (please state)			
Surname			
Forenames			
Date of Birth			
Nationality			
I am 18 years old or over. Please tick			Yes ☐
			No ☐
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below).			
Post town		Post code	
TELEPHONE NUMBERS			
Daytime			
Evening			
Mobile			
FAX NUMBER			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			

APPENDIX 4

Address for correspondence associated with this application (if different to the address above)	
Post town	Post code
TELEPHONE NUMBERS	
Daytime	
Evening	
Mobile	
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)	

2. Your licensing qualifications	
Read Note 1	Please tick yes
Please indicate below which one of these statements applies to you:	
1. I hold an accredited licensing qualification	☐
2. I hold a certified qualification	☐
3. I hold an equivalent qualification	☐
4. I am a person of prescribed description	☐
If you have ticked either of statements 1, 2 or 3 please provide details of your qualification in the box below (name of qualification, date of issue, issuing body) and please enclose your qualification with your application. If you have ticked statement 4, please provide evidence that you are a person of prescribed description.	

3. Previous or outstanding applications for a personal licence		
Note: You may only hold one personal licence at a time.	Please tick	
Do you currently hold a personal licence?	Yes ☐	No ☐
Do you currently have any outstanding applications for a personal licence, with this or any other licensing authority?	Yes ☐	No ☐

APPENDIX 4

Has any personal licence held by you been forfeited in the last 5 years?		Yes ☐	No ☐
Licensing Authority			
Licence number			
Date of issue			
Any further details			

4. CHECKLIST:	
I have	Please tick yes
enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a solicitor or notary, a person of standing in the community or any individual with a professional qualification	☐
enclosed any licensing qualification I hold or proof that I am a person of prescribed description	☐
enclosed a criminal conviction certificate or a criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service	☐
enclosed a completed disclosure of criminal convictions and declaration form (Schedule 3)	☐
included a proof of my right to work in the United Kingdom (see note 2)	☐
made or enclosed payment of the fee for the application	☐

5. Declaration	
I am entitled to work in the UK and am not subject to a condition preventing me from doing work relating to the carrying on of a licensable activity. I understand that my licence will become invalid if I cease to be entitled to live and work in the UK. The information contained in this form is correct to the best of my knowledge and belief. It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant of a personal licence. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine of any amount. It is an offence under section 24B of the Immigration Act 1971 to work illegally.	
SIGNATURE	DATE

NOTES

Information on the Licensing Act 2003 is available on legislation.gov.uk or from your local licensing authority.

APPENDIX 4

1. Licensing qualifications

Licensing qualifications are dealt with in section 120(8) and (9) of the Licensing Act 2003.

2. Right to work/immigration status:

A personal licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any personal licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an

APPENDIX 4

official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and

APPENDIX 4

- evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i). any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Application to vary a premises licence to specify an individual as the named premises supervisor under the Licensing Act 2003

APPENDIX 4

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 / we
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

--

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Post town	Post code (if known)
Telephone number (if any)	

Description of premises (please read guidance note 1)
--

APPENDIX 4

Part 2

Full name of proposed designated premises supervisor
Nationality
Place of birth
Date of birth

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)
--

Full name of existing designated premises supervisor (if any)
--

Please tick yes

- I would like this application to have immediate effect under section 38 of the Licensing Act 2003 ☐
- I have enclosed the premises licence or relevant part of it ☐

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee ☐
- I will give a copy of this application to the chief officer of police ☐
- I have enclosed the consent form completed by the proposed premises supervisor ☐
- I have enclosed the premises licence, or relevant part of it or explanation ☐
- I will give a copy of this form to the existing premises supervisor, if any ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

APPENDIX 4

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

APPENDIX 4

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

APPENDIX 4

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

APPENDIX 4

Consent of individual to being specified as premises supervisor

I _____
[full name of prospective premises supervisor]

of

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

[type of application]

by

[name of applicant]

relating to a premises licence _____
[number of existing licence, if any]

for

[name and address of premises to which the application relates]

APPENDIX 4

and any premises licence to be granted or varied in respect of this application made by

.....
[name of applicant]

concerning the supply of alcohol at

.....
[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

.....
[insert personal licence number, if any]

Personal licence issuing authority

.....
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

.....

Name (please print)

.....

Date

.....

APPENDIX 4

Rotherham Metropolitan Borough Council, Main Street, Rotherham, S60 1AE

Disclosure of convictions and civil immigration penalties and declaration

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 or typed in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

1. Your personal details	
TITLE Please tick ✓ Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other (please state)	
Surname	
Forenames	
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.	
TITLE Please tick ✓ Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other (please state)	
Surname	
Forenames	

2. Forfeiture by a court or revocation by a licensing authority of a personal licence in the last 5 years		
Please tick ✓		
Has any personal licence held by you been forfeited or revoked in the last 5 years?	Yes ☐	No ☐
If yes, please provide details below:		
Name of court/licensing authority		
Address of court		
Date of forfeiture/revocation		
Offence which resulted in the forfeiture/revocation		

APPENDIX 4

Any additional details	
------------------------	--

3. Relevant or foreign offences and civil immigration penalties

Read Note 1

Please tick ✓

Have you been convicted of any relevant offence or foreign offence or been required to pay a civil immigration penalty?	Yes ☐	No ☐
---	---------------------------------	--------------------------------

If you have been convicted of any relevant offence you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:

--

If you have been convicted of any foreign offence you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:

--

If you have received an immigration penalty you must provide details, including the reference, date and company name.

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APPENDIX 4

4. Declaration

I declare that I have not been convicted of any relevant offence or any foreign offence or been required to pay a civil immigration penalty

SIGNATURE

DATE

5. Declaration

The information contained in this form is correct to the best of my knowledge and belief.

It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant of a personal licence. A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement. To do so could result in prosecution and a fine of any amount. It is an offence under section 24B of the Immigration Act 1971 to work illegally.

SIGNATURE

DATE

NOTES

1. Relevant or foreign offences

Relevant offences are the offences listed in Schedule 4 to the Licensing Act 2003:

The meaning of **foreign offence** is dealt with in section 113 of the Licensing Act 2003.

If you are the holder of a justices' licence and you are applying for a personal licence under regulation 8 of the Licensing Act (Personal licences) Regulations 2005 see paragraphs 23 and 28 in Part 3 of Schedule 8 to the Licensing Act 2003 for the information you are required to give.

If you are convicted of any relevant or foreign offence during the period between when your application is made and when your application is determined or withdrawn, you must notify the authority to which your application was made. Failure to do so without reasonable excuse could lead to prosecution and a fine not exceeding level 4 on the standard scale.

2. Civil immigration penalty

An Immigration penalty means a penalty under either section 15 of the Immigration, Asylum and Nationality Act 2006 or section 23 of the Immigration Act 2014.

APPENDIX 4

APPLICATION FOR A PERSONAL LICENCE

1. Complete the application form, and Disclosure of Convictions form.
2. Acquire a BIIAB, level 2, National Certificate for Personal Licence Holders. (Various colleges within the borough run this course).

Or: GOAL Level 2 National Certificate for Personal Licence Holders

Or: GQAL Level 2 National Certificate for Personal Licence Holders

(other courses are now acceptable-please check with Licensing if you are unsure or visit www.gov.uk/government/publications/accredited-personal-licence-qualification-providers for the most up to date list)

3. Apply for a basic disclosure to Disclosure and Barring Service (DBS) by using www.gov.uk/basic-dbs-check.
Please note that this is only valid for 1 month.
4. Provide us with a recent passport photograph, on a light background, without sunglasses or headwear (unless the headwear is worn for religious beliefs).
5. Have the photograph endorsed.
6. Provide proof of the right to work in the United Kingdom.
7. A fee of £37.00 (cheques made payable to RMBC), or you can make the payment over the phone or in person at Riverside House.

If you have any queries regarding this information, contact a member of the licensing team on (01709) 823153, or call at:

Riverside House, Main Street, Rotherham, S60 1AE

From: Cory Bailey
Sent: 10 February 2022 11:45
To:
Subject: RE: Rotherham Council - Licensing - Inspection visit 09/02/2022

Categories: Egress Switch: Unprotected

Dear Mr Nishat,

As discussed today here's all the following required for next week's inspection. All this should be completed before our next visit.

- Register to Rotherham License Watch
- Challenge 21 policy – ensure that your shops Challenge 21 policy is written and distributed to your staff and is in the shop at all times. Also a few posters in the shop itself should be put up near where alcohol is sold and clearly visible to customers
- A designation list should be present on site detailing that you the DPS/Personal License holder allow your other member of staff the ability to sell alcohol on your behalf
- An incidents register should be present in the shop at all times with any incidents recorded in the register for inspection – this is available on Amazon for example.
- A refusals register should be present in the shop at all times, whenever someone is denied the sale of alcohol for being too drunk or underage (for example) this should be recorded in this register. You can find examples of these books for purchase on Amazon etc.
- Staff training records should be present in the shop at all times, the staff training records should be signed by the member of staff once they are complete. Typically staff training records show what level of training has been provided such as underage sales training.
- A summary of your premises license should be visible to customers alongside a copy of the full license in the premises at all times. Please ring 01709 247400 to pay for a copy of the license.

Does Wednesday 16th February work for you for the next visit at 12:00pm? I recommend you have everything in place, in regards to my last two emails, for our upcoming visit.

Please ask any questions if you at all unsure on what you need to do.

Kind regards,

Cory Bailey
Licensing Enforcement Officer
Community Safety and Street Scene
Regeneration and Environment Services
Rotherham Metropolitan Borough Council

Email: cory.bailey@rotherham.gov.uk
Visit our website: <http://www.rotherham.gov.uk>

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APPENDIX 4

From: [Cory Bailey](#)
To: [REDACTED]
Subject: RE: RE: Rotherham Council - Licensing - Inspection visit 09/02/2022
Date: 16 February 2022 15:23:14

Dear Mr Nishat,

Following today's visit we found no progress has been made in regards to either the personal license application or the email shown below. As we reminded you in the shop itself it is paramount that you implement both previous emails as otherwise you open yourself and your alcohol license up to scrutiny/enforcement action. As mentioned inside the shop we will revisit next Wednesday the 23rd to ensure that these things are in place.

If you need any help with compliance that is within our remit too, feel free to call or email me at any time and we can work together to ensure compliance is achieved.

Kind regards,

Cory Bailey
Licensing Enforcement Officer
Community Safety and Street Scene
Regeneration and Environment Services
Rotherham Metropolitan Borough Council
Email: cory.bailey@rotherham.gov.uk
Visit our website: <http://www.rotherham.gov.uk>
Before printing, think about the environment

From: Cory Bailey
Sent: 10 February 2022 11:45
To: [REDACTED]
Subject: RE: Rotherham Council - Licensing - Inspection visit 09/02/2022

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-

APPENDIX 4

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Please ask any questions if you at all unsure on what you need to do.

Kind regards,

Cory Bailey
Licensing Enforcement Officer
Community Safety and Street Scene
Regeneration and Environment Services
Rotherham Metropolitan Borough Council
Email: cory.bailey@rotherham.gov.uk
Visit our website: <http://www.rotherham.gov.uk>
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APPENDIX 4

21/02/22

Ilyas Nishat

Rotherham's Best ::

Summary ✓

Challenge 25 ✓ Poser + Pottery

Sailed

16:04
Single
Laps

Training records ✓

Refusals Records X

Incident log X

No designation X

CC

RTW

From: Cory Bailey
Sent: 31 March 2022 16:51
To:
Subject: RE: Warning Letter - RMBC - 31032022
Attachments: Warning Letter - Ilyas Nishat - 31032022.pdf

Categories: Egress Switch: Unprotected

Dear Mr Nishat,

I hope you are well,

Please find attached a warning letter for the licensed premises 'Rotherham's Best'.

I have also sent you this letter via the post so that you may have a physical copy.

If you have any questions please do not hesitate to ask.

Kind regards,

Cory Bailey
Licensing Enforcement Officer
Community Safety and Street Scene
Regeneration and Environment Services
Rotherham Metropolitan Borough Council

Email: cory.bailey@rotherham.gov.uk
Visit our website: <http://www.rotherham.gov.uk>

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**Community Safety and Street Scene
Licensing**

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

Mr Ilyas Nishat
23 Broadway
East Dene
Rotherham
South Yorkshire
S65 2HG

My reference:
CPB/1608

Please ask for:
Cory Bailey

Date:
31/03/2022

WARNING LETTER

Dear Mr Nishat,

This letter contains important information. If you do not understand the contents of the letter then please ask the advice of a friend or relative, or telephone me on the number above.

On 15th December 2021 the Licensing Service received information from South Yorkshire Police stating that your licensed premises was suspected of selling alcohol to an underage minor.

Licensing Officers have conducted an inspection of your premises on 9th February 2022, 16th February 2022, 3rd March 2022 and 24th March 2022, and following these visits we have not seen the level of progress expected from your premises during the last 4 visits, alongside advice given over the phone and email.

The Licensing Service must be certain that you are adhering to your premises license conditions, following my visits I have noted that you are not adhering to the following license conditions; Condition 2 'The license holder shall ensure that all staff are trained in the requirements of the Licensing Act 2003', Condition 3 'The license holder shall become a member of Rotherham Licence Watch'. It is essential that you follow these conditions as it is a criminal offence not to do so.

The expectation from the Licensing Service with Condition 2 is that you train you staff adequately regarding licensed activity, preferably with written records that evidence that you have trained your staff. Regarding Condition 3 I have provided you with a contact for Jo Belton a Licensing Enforcement Officer for South Yorkshire Police, her work contact number is [REDACTED], Jo oversees the local watch schemes and will happily place you into the scheme as is the condition on your license.

It is best practice that you implement the following into your licensed premises as well, an Incidents Record book that records whenever an incident has taken place on your premises and records the date, time, and description of those involved. A Refusals Record book that records whenever you refuse a sale of alcohol on your premises and records the date, time, and description of those involved. A Challenge 25 Policy should also ideally be adhered to, I am aware that you already have your poster easily readable for customers, but a written policy that staff can easily refer to would be desirable.

Please consider this letter a warning further action may be taken because of further non-compliance; the Licensing Service requires that standards at your premises improve within the next 14 days following the 1st April 2022.

Please do not hesitate to contact me if anything in this letter is unclear, or if you require further information in relation to any matter referred to above.

Yours sincerely,



Cory Bailey
Licensing Enforcement Officer

From: Cory Bailey
Sent: 27 April 2022 10:31
To:
Subject: RE: ANNUAL FEES - ROTHERHAM COUNCIL - LICENSING
Attachments: ROTHERHAMS BEST NOTICE.pdf

Categories: Egress Switch: Unprotected

Dear Mr Nishat,

Please find attached a notice for unpaid annual fees from the Licensing Service here at Rotherham Council.

If you have any questions please do not hesitate to ask.

Kind regards,

Cory Bailey
Licensing Enforcement Officer
Community Safety and Street Scene
Regeneration and Environment Services
Rotherham Metropolitan Borough Council

Email: cory.bailey@rotherham.gov.uk
Visit our website: <http://www.rotherham.gov.uk>

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Community Safety and Street Scene

Licensing, Riverside House, Main Street, Rotherham, S60 1AE

Direct Line: 01709 335067

E.mail: licensing@rotherham.gov.uk

My Reference:

CPB/1608

Your Reference:

Please ask for:

Cory Bailey

Date:

26th April 2022

Strictly Private & Confidential

Rotherham's Best
88 Cambridge Street
Clifton
South Yorkshire
S65 2ST

Dear Mr Nishat,

Suspension of Premises Licence P0858 – Rotherham's Best, 88 Cambridge Street, Clifton, Rotherham, S65 2ST.

The Licensing Service have written to you on two previous occasions informing you that the annual fees in relation to the above premises were due for payment by October 1st 2021.

According to our records, this fee has still not been received and therefore I am giving you notice that licensing authority will be suspending Premises Licence P0858 5 working days from the date of this letter. This will happen without further notice from the Council.

If payment is not received within the next 5 working days, the licence suspension will become effective and you must immediately cease all licensable activity on the premises. Licensable activity must only recommence once the Council has confirmed receipt of all overdue annual fees and has lifted the suspension.

In order to avoid the suspension of the licence, you must make a payment of £140 to the Council within 5 working days from the date of this letter. Payment must be made by telephoning the licensing office on 01709 247400 or by making the payment in person at a Council office that has payment facilities. Please ensure that you quote your licence number in all payments.

Please do not hesitate to contact me if you require any further clarification in relation to the matters raised in this letter.

Yours sincerely,



Cory Bailey

Licensing Enforcement Officer

From: Cory Bailey
Sent: 25 May 2022 09:27
To:
Subject: RE: LETTER FROM LICENSING - ROTHERHAM COUNCIL - ROTHERHAM'S BEST
Attachments: ROTHERHAMS BEST 25052022.pdf
Categories: Egress Switch: Unprotected

Dear Mr Nishat,

Please find attached a letter from the licencing service in regards to Rotherham's Best premises licence.

It is my recommendation that you read it in full. Please contact me if you are unsure about any details of the letter.

Kind regards,

Cory Bailey | Licensing Enforcement Officer



Community Safety and Street Scene
Regeneration and Environment Services
Rotherham Metropolitan Borough Council

Email: cory.bailey@rotherham.gov.uk
Visit our website: <http://www.rotherham.gov.uk>

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**Community Safety and Street Scene
Licensing**

Riverside House, Main Street, Rotherham, S60 1AE

Direct Line: (01709) 247400

Email: licensing@rotherham.gov.uk

My Reference:
CB/1608

Your Reference:
CB/1608

Please ask for:
Cory Bailey

Date:
25/05/2022

Mr Ilyas Nishat
23 Broadway
East Dene
Rotherham
S65 2HG

Dear Mr Nishat,

This letter contains important information. If you do not understand the contents of the letter then please ask the advice of a friend or relative, or telephone me on the number above.

The licensing service have visited your premises Rotherham's Best (Premises Licence Number P0858) on several occasions to conduct a licenced premises inspection. Following these inspections licensing officers have noted that you as the premises licence holder have consistently failed to implement changes at the premises in order to adhere to your Annex 2 conditions.

As a result of these failings the licensing service is now considering reviewing your premises licence. This opens the possibility that you may lose your premises licence and face a prosecution under the Licensing Act 2003, for failing to adhere to the Annex 2 conditions of your premises licence.

A further visit will be made to your premises on or after **Friday 10th June 2022**. During the visit, licensing officers will expect to see evidence that all of the conditions of the premises licence are being adhered to. If this is not the case, then it is likely that your premises licence will be reviewed without further notice.

Please do not hesitate to contact me if anything in this letter is unclear, or if you require further information in relation to any matter referred to above.

Yours sincerely,

Cory Bailey



STATEMENT OF: ...Keeley Louise Ladlow.....

Age if under 18: Over 18 Occupation.....Principal Licensing Officer

This statement, consisting of.....2..... Page(s) 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 false or do not believe to be true.

Date the...10th..... day of.....August2022

I am the above-named person and currently employed as Principal Licensing Officer operating from Riverside House the offices of Rotherham Metropolitan Borough Council. I have been employed as an Enforcement Officer since 2015 and latterly the Principal Officer, my duties include liaising with Hackney Carriage and Private Hire Drivers, and the operational management of investigations concerning Private Hire and Hackney Carriage Drivers, vehicles, Private Hire Operators, and licensed premises.

In February 2022 when reviewing complaints being investigated by the licensing service, I became aware of Cory Bailey's involvement with a premises I know to be Rotherham's Best. Mr. Bailey was investigating the premises following an allegation made by parents of a school child to South Yorkshire Police. The allegation was that a 16-year-old child had purchased a bottle of vodka from the premises despite advising the person at the premises how old she was.

Following a visit made by Mr Bailey to the premises on 9th February I discussed the premises with him and advised that he contact the premises licence holder, Mr Ilyas Nishat, advising him of what action needed to be taken for the premises to be compliant with the Licensing Act 2003 and to properly promote the Licensing Objectives.

Following this being sent and a second visit being undertaken to the premises Mr Bailey advised me that the premises licence holder was going to attend a meeting at Riverside House for the process relating to appointing a Designated Premises Supervisor to be discussed.

In April 2022 during a weekly investigation overview meeting Mr Bailey advised me that he had visited the premises on 24th March and whilst at the premises had witnessed Mr Nishat selling two different customers single cigarettes from an open packet. Mr Bailey also advised me that there remained no evidence of staff training at the premises, no incident or refusal registers, and the DPS had not been transferred.

I agreed with Mr Bailey that a warning letter should be sent requesting immediate improvements to the premises level of compliance.

On 26th April 2022 during a meeting with Mr Bailey I identified that the premises had not paid the annual fee for the years 2020 or 2021. On 27th April Mr Bailey sent a suspension letter to Mr Nishat requesting the overdue annual fees

SIGNED..... WITNESSED.....

Witness Statement

(Criminal Procedure Rules, r27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

APPENDIX 4

Continuation of Statement of.....KEELEY LOUISE LADLOW.....

be paid within 5 working days or the suspension of the premises licence would take effect. These fees were paid in full on 6th May and the suspension did not take effect.

On 25th May Mr Bailey sent another warning letter to Mr Nishat following a discussion with me regarding the continued lack of improvement. Within this letter Mr Nishat was advised that a revisit would be undertaken to ensure improvements had been made.

This visit was undertaken on 10th June and Mr Bailey informed me of the continued lack of compliance and adherence to conditions under Annex 2 of the premises licence. One condition under Annex 2 is the requirement for the premises to be a member of the local pub watch scheme. I emailed Jo Belton, South Yorkshire Police Licensing Enforcement Officer on 16th June 2022 asking whether Mr Nishat or another representative for the premises attended Pub watch. Ms Belton replied to me the same day advising that the premises did not attend any pub watch meeting. I exhibit this email as KLL/1.

I updated Mr Bailey of this the same day.

I discussed this premises with Mr Bailey at length and due to the licensing service having no confidence in Mr Nishat's ability to uphold the licensing objectives or improve compliance at the premises was of the view that a review of the premises licence would be the most appropriate.

SIGNED..... WITNESSED.....

From: JO BELTON [REDACTED]
Sent: 16 June 2022 09:28
To: Keeley Ladlow
Subject: RE: Rotherham's Best - off licence

Follow Up Flag: Follow up
Flag Status: Completed

Hi keeley,
No they are not part of any pub watch meetings.
I think they will come under Whiston the next meeting is at the Tabard on the 14th July 10.00 am
Thanks
Jo

Jo Belton
Rotherham Licensing Enforcement Officer

South Yorkshire Police
Licensing Department
Rotherham District
Riverside House
Main Street
S60 1AE

southyorks.police.uk



From: Keeley Ladlow <Keeley.Ladlow@rotherham.gov.uk>
Sent: 16 June 2022 08:56
To: JO BELTON [REDACTED]
Subject: Rotherham's Best - off licence
Importance: High

Hi Jo – just a quick question, do you know if Rotherhams Best (88 Cambridge Street, Clifton, S65 2ST) have signed up to and are attending pubwatch meetings?

The licence is held by Mr Ilyas Nishat – we first became involved following an email from PC Teresa Kenny following the sale of vodka to a child at the premises in December last year. A 16 year old allegedly openly said she was 16 but the staff member said she looked nice and served her a bottle of vodka – this was consumed by her and a year 8 pupil from a local school.

The premises was first visited in February this year by Cory and Rachael and they were found to be missing training records/no training of staff, no refusals registers and were non compliant with annex 2 conditions. Ilyas Nishat is not the DPS at the premises and it was apparent that previous DPS no longer had involvement. A letter was sent to Mr Nishat stating the improvements that were required and a revisit was undertaken two weeks later. No improvements had been made and an action plan was discussed – the premises were put onto the TP list by Neil.

The premises passed a TP in March and a revisit was undertaken by Cory – again little improvement had been made and the premises were witnessed to sell two single cigarettes out of a packet to a minority customer (this information was disclosed to Trading Standards). A warning letter was served on Mr Nishat.

APPENDIX 4

It was also identified that the annual fees in respect of this premises had not been paid – a suspension letter was drafted should the premises not pay within 5 days, payment was made and the suspension did not take effect.

A final letter was sent to Mr Nishat requesting improvement by 10th June – the premises were visited yesterday and remained non compliant with annex 2. We will therefore be considering reviewing the premises licence as all steps to work with Mr Nishat have failed. The requirement to attend pubwatch is an annex 2 condition of the licence.

Thanks

Keeley

Keeley Ladlow
Principal Licensing Officer
Licensing
Community Safety and Street Scene
Regeneration and Environment Services
Rotherham Metropolitan Borough Council , Riverside House, Main Street, Rotherham, S60 1AE

Tel: 01709 822346

Internal: 22346

Email: keeley.ladlow@rotherham.gov.uk

Visit our website: <http://www.rotherham.gov.uk>

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