

Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 14th October 2022 (09:30 am)

Report Title

Consideration of an application (made in accordance with s.51 of the Licensing Act 2003) to review the Premises Licence in place at Rotherham's Best, 88 Cambridge St, Clifton, Rotherham, S65 2ST.

Report Author(s)

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

Report Summary

On the 3rd August 2022, Rotherham MBC Licensing Service (acting in its role as a Responsible Authority) made an application to review of the Premises Licence in place at Rotherham's Best, 88 Cambridge St, Clifton, Rotherham, S65 2ST. The premises is an off licence / grocer and is licensed for the sale of alcohol for consumption off the premises only.

The review application was submitted following the involvement of Licensing Enforcement Officers with the premises which resulted in a number of visits being carried out over recent months. During these visits it became clear that there was a general failure of the Premises Licence Holder to ensure that the licence was being used in accordance with the conditions that were attached to it. Despite a number of warning being issued to the licence holder, Licensing Officers have been unable to secure compliance with the conditions attached to the licence and are now of the view that a review of the licence is required in order to ensure that the Licensing Objectives are upheld.

Recommendations

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

List of Appendices Included

- Appendix 1 Location details
- Appendix 2 Premises Licence P0858
- Appendix 3 Review application form
- Appendix 4 Additional information received from RMBC Licensing Authority

Background Papers

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

Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)
(available at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>) (in particular, section 11 of this guidance).

Council Approval Required

No

Exempt from the Press and Public

No

Consideration of an application (made in accordance with s.51 of the Licensing Act 2003) to review the Premises Licence in place at Rotherham's Best, 88 Cambridge St, Clifton, Rotherham, S65 2ST.

1. Background

- 1.1 Rotherham's Best is located on Cambridge St, Clifton, Rotherham and is an off licence / grocer attracting a mainly local trade. Further details on the location of the premises can be found at Appendix 1.
- 1.2 The premises currently has the benefit of a Premises Licence issued under the Licensing Act 2003 (licence number P0858). The licence permits the sale of alcohol for consumption off the premises only. A copy of the Premises Licence is attached to this report as Appendix 2.
- 1.3 On 3rd August 2022, Rotherham MBC's Licensing Service submitted an application to review the Premises Licence. This application was submitted as a result of a continued failure of the Premises Licence Holder to ensure that the licence was used in accordance with the conditions that were attached to the licence.
- 1.4 A copy of the review application form is attached as Appendix 3, additional information provided by the Licensing Service is attached as Appendix 4.
- 1.5 There is a prescribed period of 28 days following the submission of a review application during which time interested parties / responsible authorities may submit representations in relation to the application.
- 1.6 At the end of the prescribed period, no additional representations had been received.
- 1.7 This matter was originally scheduled for consideration by the Licensing Sub-Committee on 26th September 2022 but was adjourned at the licence holder's request.

2. Key Issues

The application

- 2.1 The application submitted by Rotherham MBC Licensing Service outlines a general failure of the Premises Licence Holder to uphold the Licensing Objectives by using the licence in accordance with the conditions that are attached to that licence.
- 2.2 Full details of the circumstances leading to the submission of the application to review the licence can be found at Appendix 3 and Appendix 4.

2.3 A representative of the Licensing Service has been invited to attend the hearing today to provide further detail in relation to the above.

3. Options available to the Licensing Sub-Committee

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

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

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

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

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

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

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

3.7 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption).
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management.
- suspend the licence for a period not exceeding three months.
- revoke the licence.

3.8 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

3.9 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

3.10 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

3.11 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental

financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

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

4. Consultation

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

5. Timetable and Accountability for Implementing this Decision

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

6. Financial Implications

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

6.2 However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all of the costs incurred. The impact of these additional costs (if any) will therefore need to be met from within existing revenue budgets.

7. Legal Advice and Implications

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

7.2 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

7.3 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

7.4 The Panel may accept hearsay evidence and it will be a matter for the Licensing Sub-Committee to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

7.5 The Secretary of State's guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

7.6 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The guidance is therefore binding on all licensing authorities to that extent. However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this guidance, they may depart from it if they have good reason to do so and can provide full reasons.

7.7 Member's attention is specifically drawn to Section 11 of the guidance which covers Premises Licence reviews.

- 7.8 Departure from the guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

8. Risks and Mitigation

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

9. Accountable Officer(s)

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene

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

Hearing Procedure – Review of Premises Licence

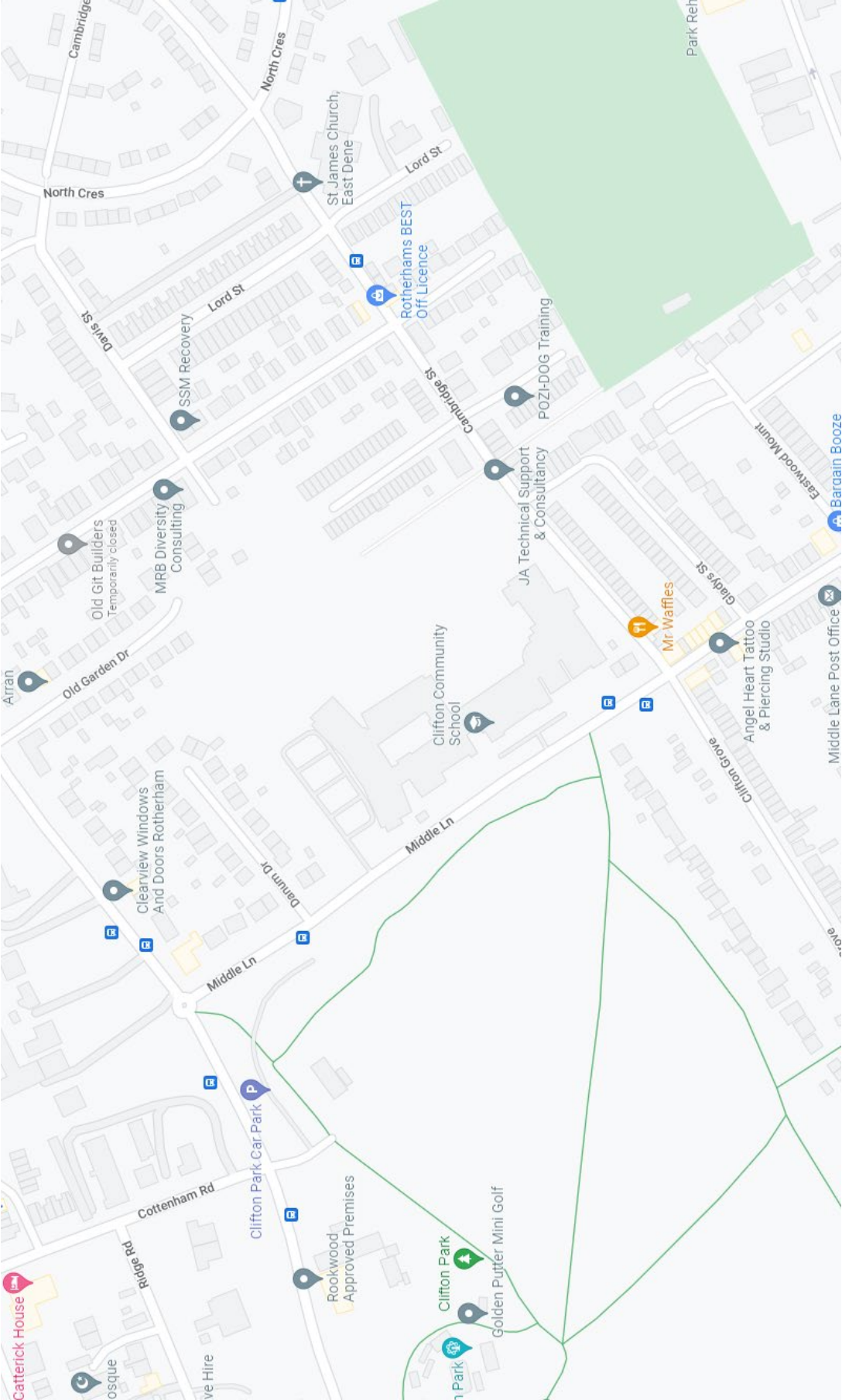
- 1 The Chair of the meeting will introduce the Committee and ask officers to introduce themselves.
- 2 The Chair will ask the other parties to the hearing to formally introduce themselves.
- 3 The Licensing Officer will outline the procedure to be followed at the hearing.
- 4 Hearing Procedure:-
 -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

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

Notes:

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

APPENDIX 1



APPENDIX 1



APPENDIX 1



Licensing Act 2003 Premises Licence

P0858

Part 1 - Premises Details

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

Rotherham's Best

88 Cambridge Street, Clifton, Rotherham, South Yorkshire, S65 2ST.

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	10:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	7:00am	10:00pm

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

Ilyas Nishat

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

Nishat BURHAN

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. RM3379

Issued by Rotherham

Licensing Act 2003 Premises Licence

P0858

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

P0858

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

P0858

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

P0858

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

Licensing Act 2003 Premises Licence

P0858

ANNEXES continued ...

Prevention of Crime and Disorder

- 1 The licence holder shall ensure that CCTV is installed at the premises and maintained and in working order at all times.
- 2 The licence holder shall ensure that all staff are trained in the requirements of the Licensing Act 2003.
- 3 The licence holder shall become a member of Rotherham Licence Watch.

Public Safety

- 4 The licence holder shall ensure that all fire safety risk assessments are carried out and kept up to date.
- 5 The licence holder shall ensure that fire alarms/emergency lighting are installed at the premises and maintained and in working order.

Prevention of Public Nuisance

- 6 The licence holder shall ensure that the outside area of the premises is kept clean and tidy.

Protection of Children from Harm

- 7 The licence holder shall ensure that the 'Challenge 21' proof of age scheme is in operation at the premises.

Annex 3 Conditions attached after a Hearing of Licensing Authority

None.

Annex 4 Plans

See attached.

Licensing Act 2003 Premises Licence Summary P0858

Premises Details

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

Rotherham's Best

88 Cambridge Street, Clifton, Rotherham, South Yorkshire, S65 2ST.

Telephone 07988 691855

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 AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	7:00am	10:00pm

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

Ilyas Nishat

23 Broadway, East Dene, Rotherham, South Yorkshire, S65 2HG.

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

Nishat BURHAN

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

None

APPENDIX 3

Rotherham Metropolitan Borough Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Keeley Ladlow, Principal Licensing Officer, Rotherham Metropolitan Borough Council.

(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 88 Cambridge Street, Clifton, Rotherham, South Yorkshire.	
Post town Rotherham	Post code (if known) S65 2ST

Name of premises licence holder or club holding club premises certificate (if known) Mr Ilyas Nishat
--

Number of premises licence or club premises certificate (if known) PO858
--

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

APPENDIX 3

Please tick ✓ yes

Mr Mrs Miss Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

APPENDIX 3

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Keeley Ladlow Principal Licensing Officer, Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE.
Telephone number (if any) 01709 22346
E-mail address (optional) Keeley.ladlow@rotherham.gov.uk

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

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

Please tick one or more boxes ✓

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

APPENDIX 3

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

Application is made under Section 51 of the Licensing Act 2003, for a full review of the premises licence in relation to a premises known as Rotherham's Best, 88 Cambridge Street, Clifton, Rotherham, South Yorkshire, S65 2ST.

This application seeks a revocation of the premises licence on the grounds that the premises licence holder is failing to properly promote three of the licensing objectives, namely, the prevention of crime and disorder, public safety and the protection of children from harm.

The grounds for the application are as follows: -

The premises is a small sized premises consisting of one shop area selling a mixture of store groceries and alcohol. The premises has the permissions of a premises licence for the sale of alcohol for consumption off the premises only Monday-Sunday 07:00-22:00hrs with the licence being in place since 24th June 2011.

Mr Nishat has been the premises licence holder since 1st October 2020. The current Designated Premises Supervisor is Mr Nishat Burhan, a position he has held since March 2020. Mr Burhan was the premises licence holder between March 2020 and October 2020 before transferring the licence to Ilyas Nishat.

On 15th December 2021 the licensing service was contacted by an officer of South Yorkshire Police. PC Teresa Kenny emailed the license service stating that a female student from a local comprehensive school went into a premises believed to be Rotherham's Best and purchased vodka, it was stated a male behind the counter asked if she was 18, and upon the student stating she was 16 and was told by this male that she looked nice, and he served her. The vodka was then consumed by her and a 12year old.

On February 9th, 2022, Licensing Officers visited the premises to undertake a compliance visit. During the visit officers spoke with Mr Ilyas Nishat, 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. This contravenes Condition 2 of Annex 2 of the premises licence which states 'The licence holder shall ensure that all staff are trained in the requirements of the Licensing Act 2003'.

Mr Ilyas Nishat stated during this visit that Mr Burhan Nishat had no involvement at the premises any longer and was advised that a change of DPS form would need to be completed as Mr Burhan Nishat had no involvement in the day-to-day running of the premises.

No premises licence summary was on display at the premises which is an offence under Section 57(3) of the Licensing Act 2003, the offence wording is the following: Section 57(3) The holder of the premises license must secure that – (a) the summary of the licence or a certified copy of that summary and any section 172F statement and (b) a notice specifying the position held at the premises by any person nominated for the purposes of the subsection and (2) are prominently displayed at the premises.

An email was sent the same day to Mr Nishat requesting he complete the transfer of DPS documentation from Mr Burhan Nishat to himself or another person holding a personal alcohol licence.

On the 10th February 2022, Licensing Officers sent an email to Mr Ilyas Nishat detailing what changes needed to be implemented at Rotherham's Best in order to comply with the conditions set out within Annex 2 of the premises licence alongside best practice guidance, namely; registration to Rotherham Licence Watch, Challenge 25 Policy and Posters, an authorisation list of who is permitted to sell alcohol at the premises on the DPS behalf, an incident record book, refusal record book, and the training of all staff.

APPENDIX 3

Mr Nishat was advised that officers would visit the premises on 16th February 2022 to ascertain if the implementations had been made.

On 16th February 2022 Licensing Officers visited the premises to assess whether the required actions had been implemented. Mr Nishat was present at the premises and spoke with officers, during the visit officers identified 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 complied with and again it appeared as though no effort had been made by Mr Nishat to comply.

Mr Nishat was issued a warning by Licensing Officers; 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 licence and that improvement was immediately required.

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

On 2nd March Officers visited the premises 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. Saied Nishat stated that he is Mr Ilyas Nishat's only employee and employed on a part-time basis. During this visit Mr Saied Nishat was unable to locate any of the documentation previously requested. There were no incident records, staff training records, DPS authorisation to sell alcohol, 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, officers met with Mr Ilyas Nishat and Mr Burhan Nishat at the Council offices. 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 Officers visited the premises, on this occasion 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, incident records, and DPS authorisation to sell alcohol, were still not in place at the premises. Mr Nishat also stated that he had not completed the DPS transfer documentation. Mr Nishat was again warned that further action may now follow due to lack of compliance with the premises licence conditions set out in Annex 2.

During this visit Licensing Officers witnessed Mr Ilyas Nishat serving two customers a single cigarette each out of a packet of 19 cigarettes selling them for 50p each.

On the 31st of March 2022 a warning letter was sent to Mr Ilyas Nishat stating that he is not compliant with Condition 2 under Annex 2 of the premises licence. This condition states, 'the licence holder shall ensure that all staff are trained in the requirements of the Licensing Act 2003' and Condition 3 'the licence holder shall become a member of Rotherham Licence Watch'. This warning letter also contained information regarding best practice, such as record books and incident logs. The letter stated Mr Ilyas Nishat had two weeks to implement these requirements at the premises

On the 6th of April 2022 Licensing Officers spoke with Mr Ilyas Nishat by telephone to confirm if any progress had been made at the premises and it was stated that no progress had been made. Advice was given on this and what changes needed to be implemented which were best practice.

APPENDIX 3

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 of 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.

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

A visit to the premises was undertaken on 18th May 2022. 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 were not on the premises and that they were with his cousin, but he would send them by email to officers along with proof of the Challenge 25 training and policy. These were never received following the visit.

It was explained to Mr Ilyas Nishat that if he failed to provide officers with the requested documents, he remained in breach 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 had applied to and could not provide any evidence to support that he was a member of Licence Watch or attending the meetings.

When asked to produce the refusal and incident records Mr 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 and a warning was given that the Licensing Service must now consider reviewing the premises licence.

On 10th June 2022 Licensing Officers visited the premises, during this visit Mr Saied Nishat was present and officers found no training records or any other records at the premises. It appeared 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 records were on the premises, 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 the Annex 2 conditions.

On the 16th of June 2022 officers made enquiries with South Yorkshire Police who lead on the licence watch scheme. The Police confirmed that no application to join the scheme had been made by the premises.

The Licensing Authority have no confidence in Mr Nishat's ability to comply with the conditions as set out in Annex 1 and 2 of the premises licence or uphold the Licensing Objectives. Lengthy and repeated visits have been undertaken at the premises alongside written warnings and notices to improve, these have however not resulted in any improvements being made.

The licensing service were also involved with Rotherham's Best in July 2017, licensing officers visited the premises and found that the premises license was on display, however, no Challenge Policy, refusal records, or training records were found at the premises at that time.

APPENDIX 3

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

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

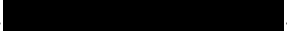
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 3rd August 2022

.....

Capacity Principal Licensing Officer

.....

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.

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

(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

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

T

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 <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> 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 <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)			
Surname			
Forenames			
Date of Birth			
Nationality			
I am 18 years old or over. Please tick			Yes <input type="checkbox"/>
			No <input type="checkbox"/>
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	<input type="checkbox"/>
2. I hold a certified qualification	<input type="checkbox"/>
3. I hold an equivalent qualification	<input type="checkbox"/>
4. I am a person of prescribed description	<input type="checkbox"/>
<p>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.</p> <p>If you have ticked statement 4, please provide evidence that you are a person of prescribed description.</p>	

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 <input type="checkbox"/>	No <input type="checkbox"/>
Do you currently have any outstanding applications for a personal licence, with this or any other licensing authority?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

APPENDIX 4

Has any personal licence held by you been forfeited in the last 5 years?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Licensing Authority			
Licence number			
Date of issue			
Any further details			

4. CHECKLIST:	
I have	Please tick yes
<ul style="list-style-type: none"> 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 	<input type="checkbox"/>
<ul style="list-style-type: none"> enclosed any licensing qualification I hold or proof that I am a person of prescribed description 	<input type="checkbox"/>
<ul style="list-style-type: none"> 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 	<input type="checkbox"/>
<ul style="list-style-type: none"> enclosed a completed disclosure of criminal convictions and declaration form (Schedule 3) 	<input type="checkbox"/>
<ul style="list-style-type: none"> included a proof of my right to work in the United Kingdom (see note 2) 	<input type="checkbox"/>
<ul style="list-style-type: none"> made or enclosed payment of the fee for the application 	<input type="checkbox"/>

5. Declaration	
<p>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.</p> <p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>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.</p>	
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 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 <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> 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 <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> 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? If yes, please provide details below:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
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.		

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	

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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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- put up near where alcohol is sold and clearly visible to customers
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-

APPENDIX 4

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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

21/02/22

Ilyas Nishat

Rotherham's Best :-

Summary ✓

Challenge 25 ✓ Poser + Pottery

Sued

16:04
Single
Bags

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>

Before printing, think about the environment

**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 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

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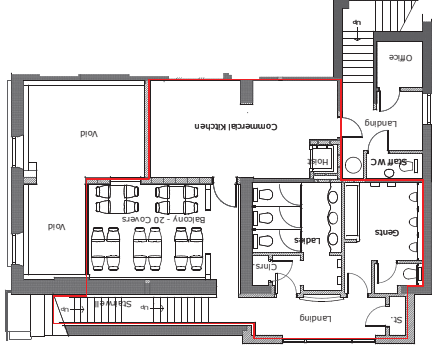
Email: keeley.ladlow@rotherham.gov.uk

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

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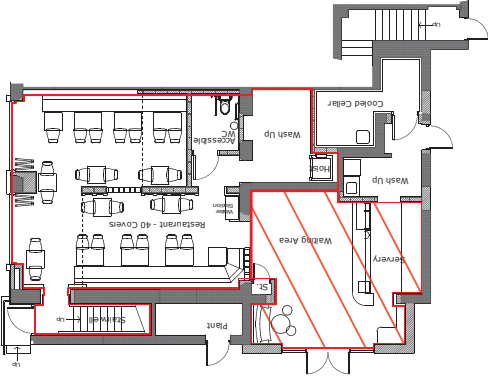
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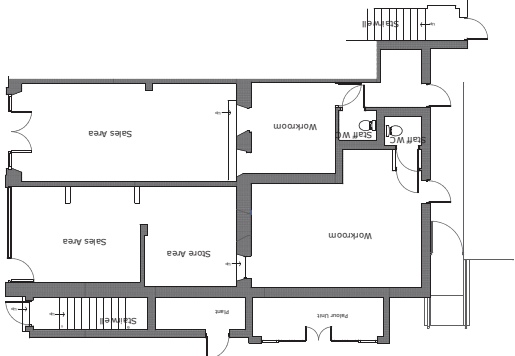
Proposed First Floor Plan



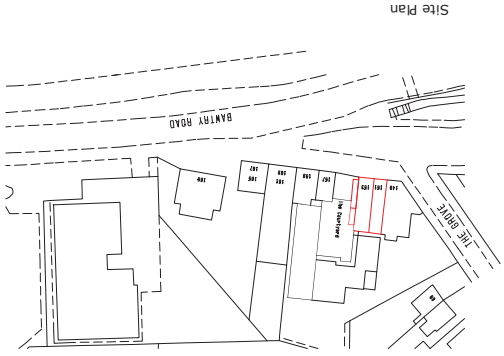
Existing First Floor Plan



Proposed Ground Floor Plan



Existing Ground Floor Plan



Site Plan

Proposed Floor Plans (Licensing)
 PROJECT NO. 25290 A 10 REGION B
 DATE: June 20
 SCALE: 1:100
 DRAWN BY: Mr. M. Green
 CHECKED BY: Mr. M. Green
 ADDRESS: 151 - 153 Bawtry Road Wickersley Rotherham, S66 2BW
 PROJECT: Restaurant Development
 REV A 06/20 Floor Plan Revised
 REV B 02/22 Floor Plan Revised

WHITEHEAD Commercial Interiors
 Let's talk
 UNIT 2, Riverside Works, Central Road, Doncaster, S18 2SA
 TEL: 0114 2920200 | 0114 292444
 EMAIL: info@whitehead.co.uk

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