

Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 7th December 2022

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 Ave Ferham Supermarket, 192 Ferham Road, Rotherham, S61 1DZ.

Report Author(s)

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Report Summary

On the 11th May 2022, Rotherham MBC Trading Standards Service made an application to review of the Premises Licence in place at Ave Ferham Supermarket, 192 Ferham Road, Rotherham, S61 1DZ. The premises is a general grocer and is licensed for the sale of alcohol for consumption off the premises only.

The review application was submitted following the execution of a search warrant at the premises in September 2021. During a search of the premises, a quantity of illicit cigarettes and tobacco were discovered – as a result of this discovery, and the results of a previous test purchase operation, the Trading Standards Service consider there to be a link between the licensed premises and the illicit tobacco.

Following the submission of the review paperwork, one additional response was received in relation to the review. Further detail on these is provided within the main body of the report.

This matter was originally due for consideration by the Sub-Committee on 1st July 2022, but was rearranged at the request of the licence holder. It was then scheduled for consideration on 26th September 2022 but was adjourned due to the licence holder being unfit to attend the hearing as a result of illness. A third adjournment was granted on 2nd November once again at the request of the licence holder due to ill health. The date of this meeting was agreed by all parties including the licence holder's legal representative on 2nd November, 2022.

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 P1088
- Appendix 3 Review application form
- Appendix 4 Additional information received from RMBC Trading Standards
- Appendix 5 Representation 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 Ave Ferham Supermarket, 192 Ferham Road, Rotherham, S61 1DZ.

1. Background

- 1.1 Ave Ferham Supermarket is located on Ferham Road, Ferham, Rotherham and is a general grocers / off licence 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 P1088). 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 11th May 2022, Rotherham MBC's Trading Standards Service submitted an application to review the Premises Licence. This application was submitted as a result of concerns around the use of the premises for the storage and sale of illicit tobacco and cigarettes.
- 1.4 A copy of the review application form is attached as Appendix 3, additional information provided by the Trading Standards 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, one additional representation had been received. A copy of this representation is attached as Appendix 5.

2. Key Issues

The application

- 2.1 The application submitted by Rotherham MBC Trading Standards Service outlines concerns regarding the following matters:
 - 2.1.1 The use of the premises for the storage and / or sale of illicit tobacco and cigarettes.
- 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.

Representations received

- 2.3 One additional representation has been received. This representation was from the Council's Licensing Authority (acting in the role of a Responsible

Authority under the Licensing Act 2003) and is in support of the review. Full details of the representation can be found at Appendix 5, but is briefly summarised below:

- A general failure to comply with Premises Licence conditions.
- Lack of staff training and lack of management control in relation to the sale of alcohol from the premises.

2.4 All parties that have submitted representations in relation to the application have 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](#).

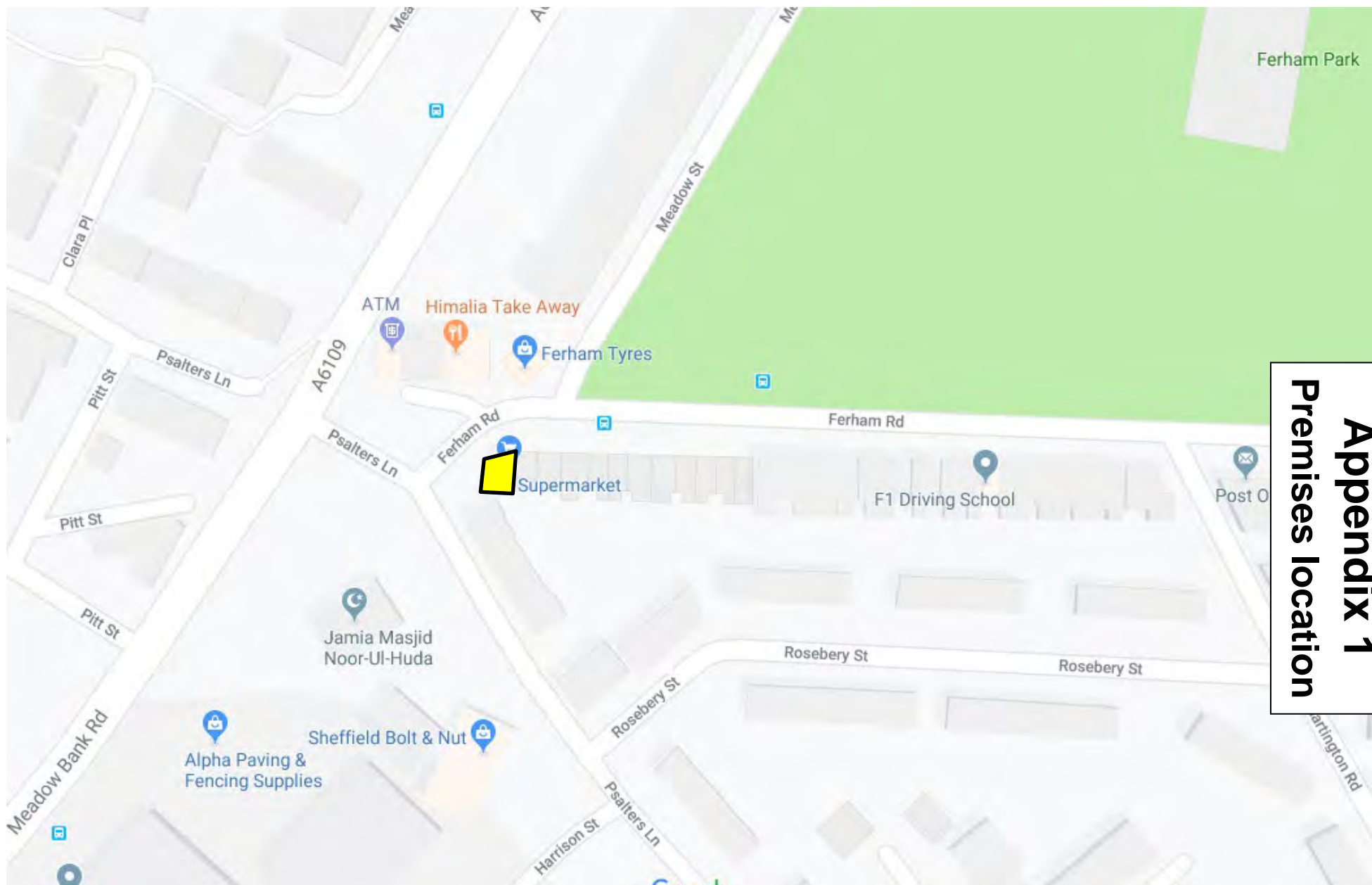
Hearing Procedure – Review of Premises Licence

- 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

Premises location





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Part 1 - Premises Details

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

Ave Ferham Mini Market

192 Ferham Road, Ferham, Rotherham, South Yorkshire, S61 1DZ.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| Activity (and Area if applicable) | Description | Time From | Time To |
|---------------------------------------------------------------------|------------------|-----------|---------|
| The sale by retail of alcohol for consumption OFF the premises only | Monday to Sunday | 8:00am | 11:00pm |

THE OPENING HOURS OF THE PREMISES

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

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Amanj Jawad

4 Perryn Place, Standish, Wigan, WN6 0DH.

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

Amanj JAWAD

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. PL4030

Issued by Wigan

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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 vicinity of, the premises which can reasonably be considered to condone, encourage or

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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

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the

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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.

(2) The permitted price which would apply on the first day applies to sales or supplies of

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alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

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

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

1. The licence holder shall ensure that the premises shall install and maintain a digital CCTV system.
2. The licence holder shall ensure that the CCTV system shall have sufficient hard drive storage capacity to store a minimum of 28 days.

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3. The licence holder shall ensure that the CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises at each exit and entrance point.
4. The licence holder shall ensure that the CCTV log will be completed on a weekly basis to record all elements of the CCTV System is maintained in good working order and recordings date and time stamped.
5. The licence holder shall ensure only nominated staff shall be trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.
6. The licence holder shall ensure the CCTV shall be continually recording during licensable hours
7. The licence holder shall ensure that in the event of a failure of the CCTV system for any reason, a record of the failure will be recorded in the premises log and immediate steps will be made to rectify the problem.
8. The premises licence holder shall ensure that the premises does not stock, display or sell beer, lager or cider with an alcohol content of 6.0% ABV or greater.
9. The premises must not sell or display for sale single containers of beer, lager or cider of any alcohol content.
10. The licence holder must not permit customers to open multipacks of beer, lager or cider (of any alcohol content) for individual sale.
11. The licence holder shall ensure that products containing alcohol must be displayed for sale in an area designated specifically for that purpose and separated from other shop items that are marketed towards children.
12. The licence holder shall ensure that a personal licence holder, or a named responsible person, must be present on site at all times that the premises are carrying out licensable activity. The named responsible person must have received appropriate training and have been assessed as competent in matters related to:
 - a. the prevention of age restricted sales,
 - b. operation of the Challenge 25 scheme,
 - c. the responsible sale of alcohol, and
 - d. the practical application / implementation of any conditions that are attached to the premises licence.
13. The premises licence holder must maintain a register that contains the following details:

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- a. The full name and date of birth of the responsible person,
- b. The training that they have received,
- c. The date that the training was provided,
- d. Who the training was provided by,
- e. The method by which competency was assessed.

14. The licence holder shall ensure that the personal licence holder or responsible person must carry their personal licence or other photo identification at all times whilst working at the premises - this must be produced on request by an authorised officer of the Council or South Yorkshire Police.

15. The licence holder shall ensure that an incident log must be kept at the premises. Log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by section 13 of the Licensing Act 2003), an authorised trading standards officer or the police, and must record the following;

- (a) All crimes reported to the premises (where relevant to the licensing objectives)
- (b) Any incidents of disorder

16. The premises licence holder shall ensure that all staff receive initial, regular and on-going training in recognising signs of drunkenness and refusing the sale and complying with licensing conditions.

17. The licence holder shall ensure that when the designated premises supervisor is not on duty, a contact telephone number will be available at all times.

18. The licence holder shall ensure that all spirits will be stored and sold behind the counter.

19. The licence holder shall ensure that roller shutters are installed at the front of the premises.

Public Safety

None

The prevention of public nuisance

20. The licence holder shall ensure that prominent, clear and legible signage shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly. (Quiet Notice)

21. The licence holder shall ensure that all employees will be vigilant and monitor the area immediately outside the shop and will use their best endeavours to disperse groups of 3 or more personas that appear to be loitering if they have been customers of the shop. In addition, all staff will report any anti-social behaviour or acts of crime to the police immediately and provide the police with any CCTV footage on request.

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22. The licence holder shall ensure that deliveries to the premises shall be conducted in a manner that will not cause a nuisance to the occupiers of any residential properties surrounding the delivery address and deliveries shall be made at a time that will not lead to any public nuisance.

Protection of Children from Harm

23. The licence holder shall ensure that a written register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected by the designated premises supervisor and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer the local authority/council on demand.

24. The licence holder shall ensure that all staff engaged in the sale of alcohol to be trained in Challenge 25, are trained to prevent underage sales, are aware of and how to prevent proxy sales. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer of the local authority/council on demand

25. The licence holder shall ensure proxy signs will be on display warning adults about the law surrounding buying alcohol for children

26. The licence holder shall ensure that they will monitor the outside area to identify any potential proxy purchasing concerns.

27. The premises shall operate a Challenge 25 policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer the local authority/council.

28. The licence holder shall ensure that prominent, clear and legible Challenge 25 signage shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.

Annex 3 Conditions attached after a Hearing of Licensing Authority

None

Annex 4 Plans

Attached

Licensing Act 2003 Premises Licence Summary P1088

Premises Details

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

Ave Ferham Mini Market

192 Ferham Road, Ferham, Rotherham, South Yorkshire, S61 1DZ.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| Activity (and Area if applicable) | Description | Time From | Time To |
|---------------------------------------------------------------------|------------------|-----------|---------|
| The sale by retail of alcohol for consumption OFF the premises only | Monday to Sunday | 8:00am | 11:00pm |

THE OPENING HOURS OF THE PREMISES

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

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- The sale by retail of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Amanj Jawad

4 Perryn Place, Standish, Wigan, WN6 0DH.

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

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

Amanj JAWAD

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

Not applicable

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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 David Lodge Principal Trading Standards Officer hereby apply for the review of a premises
under section S51 of Licensing Act 2003

Part 1 – Premises or club premises details

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description Ferham Road Supermarket, 192 Ferham Road, Rotherham South Yorkshire S611DZ | |
| Post town Rotherham | Post code S61 1DZ |

| |
|-------------------------------------------------------------------------------------------------|
| Name of premises licence holder or club holding club premises certificate AMANJ JAWAD |
|-------------------------------------------------------------------------------------------------|

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

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)

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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)

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name and address David Lodge Principal Trading Standards Officer Rotherham Metropolitan Borough Council Riverside House Main Street, Rotherham, S60 IAE |
| Telephone number (if any) 01709 823118 |
| E-mail address (optional) dave.lodge@rotherham.gov.uk |

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

Please tick one or more boxes ✓

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

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

The application made under S51 Licensing Act 2003 is for a review of the premises licence in respect of Ferham Road Supermarket, 192 Ferham Road, Rotherham S61 1DZ.

The application seeks a revocation of the licence. The application is made in respect of the following licensing objectives:

- Prevention of crime and disorder.
- Public safety
- Protection of children from harm

The applicant believes that the licensing objectives have not been upheld due to the sale of illicit tobacco from those premises. The sale of Illicit tobacco is prevalent in the Rotherham area and has a serious impact on health, it makes it easier for children to get hold of cheap tobacco, and undermines wider government efforts to reduce smoking prevalence, It also affects legitimate retailers who continue to operate within the law. and

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

Ferham Road Supermarket is a small off licence situated on the outskirts of the Town Centre in a residential area.

The current premises licence holder and DPS, Mr. AMANJ JAWAD has been in charge of the premises since 31st March 2021. During this time he has always held post of Premises licence holder and DPS.

As a result of information received, on the 17th of August 2021 a test purchase was carried out at the premises under the direction of Trading Standards Officers. The test purchase resulted in the sale of 2 packets of Richmond King Size cigarettes which were later confirmed to be counterfeit. The cigarettes were sold for £9 in total which is well below the normal retail value of the genuine product. Because the test purchase was undertaken covertly it was not possible to establish the identity of the physical seller on this occasion.

On the 22nd of September 2021, a search warrant was executed at the premises in a joint operation with Trading Standards, the Police, and the Licensing Enforcement team. As a result of the operation, a significant quantity of illicit tobacco products was seized from the premises. In total over 14000 cigarettes were seized and 118 packs of hand rolling tobacco.

The tobacco was discovered in a flat which is located directly above the shop premises accessed via an external door separate to the shop premises. During the search of both the shop and the flat a concealed shoot was discovered which ran from a front room of the flat and terminated immediately below it behind the shop counter below. Officers were able to see into the shop when looking down the shoot from inside the flat. The shoot was initially discovered in the shop after a tobacco detection dog showed interest in the general area where the shoot terminated behind the shop counter. It is believed that the shoot was being used to feed tobacco products into the shop from where they were being stored upstairs in the flat.

During the search a male was discovered in the flat. Initially the male claimed to have been locked in the flat by AMANJ JAWAD but later said he had been picked up by JAWAD earlier that morning in order to do some work for him. He said that he had previously met AMANJ JAWAD in the Mosque, he was there to do cash and carry work and that he didn't touch the cigarettes. In order to gain entry to the flat SYP had to use a MOE kit to remove the door. It later transpired that the male had a set of keys for both the flat and the shop premises. During the inspection of the premises several attempts were made by staff members working in the shop to contact AMANJ JAWAD, however despite this he failed to attend.

Officers have spoken to the brother of the landlord who owns the property. The brother says that he manages the property on behalf of his sister and that AMANJ JAWAD leases both the shop and the flat and to his knowledge he uses the flat as storage. At the time of the visit the flat was not in a habitable state and is not licensed by RMBC as a dwelling. Personal correspondence addressed to AMANJ JAWAD was also found in the flat.

I am aware that illicit tobacco has previously been seized from these premises

On the 3rd of May 2022 Mr Jawad was interviewed in connection with the illegal tobacco products found at the premises of 192 Ferham Road. Mr Jawad was represented by his solicitor and in the main choose to give a no comment interview. He did however provide a written statement whereby he denied any connection with tobacco products saying that any property found in the apartment was nothing to do with him.

Investigations are on-going in connection with a number of individuals who also have connections

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with the both the shop premises and the flat at 192 Ferham Road

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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

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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: 11/05/2022

Capacity: **Principal Trading Standards Officer**

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

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)

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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: DAVID SAMUEL LODGE

AGE OF WITNESS (IF OVER 21 enter "over 21") OVER 21

OCCUPATION OF WITNESS: Principal Trading Standards
Officer

ADDRESS: Rotherham M.B.C.
Riverside House
Main Street
ROTHERHAM

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.

Dated the 14th June 2022


Signed

Statement witnessed by:

My name is David Samuel LODGE; I am a Principal Trading Standards Officer, employed by RMBC. I am duly authorised to make this statement on behalf of the Council. I have over 30 years' experience of dealing with Trading Standards matters including investigating the sale of illicit tobacco products.

On the 22nd of September 2021 I was engaged in an operation targeting various retail premises within the Rotherham area. The premises targeted had been selected as a result of previous intelligence and a subsequent failed test purchase. Prior to the 22nd of September warrants were obtained to enter the premises.

One of those premises was 192 Ferham Road, Ferham, Rotherham. Although I didn't attend this address on the day, I am aware that illegal tobacco products were found on the premises.

The products in question were seized and transported to the trading standards secure evidence store where I have now had the opportunity to

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examine them. As a result of that examination, I can state that they are not legally compliant for one or more reasons.

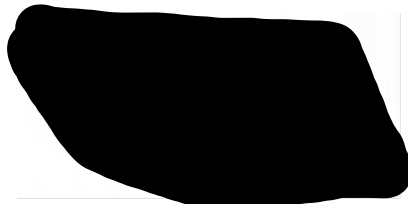
The products seized are not compliant with the requirements relating to standardized packaging nor are they labelled with the required health warnings. In addition, a sample of the seized items were sent away for examination by the relevant trademark holders who have confirmed that those items were counterfeit and therefore illegal.

On the 3rd of May 2022 along with Enforcement officer Kim FieldHouse I interviewed Mr Amanj JAWAD at the premises of Riverside House Main Street Rotherham. During the interview and on the advice of his solicitor Mr JAWAD produced a written statement whereby he denied having anything to do with the sale of illegal tobacco products and stated that we should speak with the occupier of the flat.

Mr JAWAD chose not to comment when he was asked about the following

- I. Live CCTV hard drive discovered in the flat being used to monitor the shop
- II. A chute that led from the flat directly into the shop premises terminating behind the shop counter.
- III. The detection dog indicated an interest around the end of this pipe behind the shop counter.
- IV. His relationship with a male who was locked in the flat and claimed to be working for the owner of the shop.
- V. The fact that illegal cigarettes had been sold to an undercover test purchaser

Signed

A large, irregular black redaction mark covering the signature area.

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192 Ferham Road - Summary of Findings (August 2021 onwards)

1. AMANJ JAWAD is the premise license holder and registered food business operator for 192 Ferham Road . The shop premises is a small off licence that also sells snack foods and cigarettes.
2. An undercover test purchase was carried out at the premises on the 17th of August 2021 when it was confirmed that illegal cigarettes had been sold to the test purchaser.
3. On the 22nd of September 2021 a warrant was executed at the address which included the flat immediately above the shop.
4. Although no illegal tobacco products were found in the actual shop premises a substantial quantity was found in the flat above.
5. There is no internal access to the flat via the shop and when interviewed under caution JAWAD says that he has nothing to do with the flat and denied any involvement with the sale of illegal tobacco products.
6. JAWAD'S landlord has stated that JAWAD has a lease for the entire property and that as far as he is concerned it is his responsibility and he uses the flat for storage.
7. Some paperwork was found in the flat addressed to JAWAD, the flat shares the same address and JAWAD says sometimes mailed addressed to himself ends up in the flat.
8. Live CCTV equipment ie the hard drive was recovered from the flat. The hard drive has been digitally examined and clearly shows footage from inside the shop.
9. It is a condition of JAWADs license that he deploys adequate CCTV to monitor sales taking place in the shop.
10. During the search of the flat a connecting chute was discovered in the flat where the cigarettes and tobacco were found. The chute connected the front bedroom and led directly into the shop below. It is the opinion of the investigating officer that the chute was used to transport the tobacco from the flat to the shop.
11. Although no illegal tobacco was found in the actual shop the detection dog did show interest in the area immediately around where the chute terminated behind the shop counter.
12. On the day that the property was searched a male was discovered in the flat and claimed to be working for someone connected with the shop but

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failed to identify who that was. When questioned he said that he did not have anything to do with the tobacco.

13. When interviewed under caution JAWAD gave a mainly no comment interview but did provide a written statement via his solicitor.

Mariam Bi

(Owner) – Address: 1 Roe Walk, Derby, DE23 8PT Tel: 07446820712
Land Registry Has her at 192 Ferham Road

Kasam HUSSAIN

Brother of Mariam Bi
Tel: 07446820712
KasamHussain55@gmail.com
20 Molineux DE23 8HE

Mohamed Abdul MALIQ

(04.09.2018) The land has the benefit of the rights granted by but is subject to the rights reserved by a Transfer of the land in this title dated 24 August 2018 made between (1) Mohamed Abdul Maliq and (2) Mariam Bi.

Amanj JAWAD,

01/12/1986 – FBO and Licensee

Hallo AMID

Previous tenant of flat

20-05-19 to 21-04 -21

Business rates payer for shop

Mr Mohammed AZEEM

Named Occupant of (Flat)
192 Ferham Road
- No other contact details.

Mr Muhammad IBRAHIM

19/09/1986
Person working in the shop -
(address available)

**Mr Halkaut Mohammad
SDEIK**

06/10/1983
Apprehended in the flat where
cigarettes located (Sheffield
address available)
Locked in flat

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL

WITNESS STATEMENT

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

STATEMENT OF: Jamie Vernon

AGE OF WITNESS (IF OVER 21 enter "over 21") OVER 21

OCCUPATION OF WITNESS: Trading Standards Enforcement Officer

ADDRESS: Rotherham M.B.C.
Riverside House
Main Street
ROTHERHAM

This statement consisting of 5 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.

I am a Trading Standards Enforcement Officer working for Rotherham Metropolitan Borough Council, based at Riverside House, Main Street Rotherham.

On Wednesday 23rd September 2021 at 10:30hrs I was on duty at Riverside House, Main Street, Rotherham. An operation was organised to execute several warrants in relation to illicit tobacco.

At 10:50hrs I entered Ferham Supermarket 192 Ferham Road, Rotherham S61 1DZ to execute the warrant, I was accompanied by Community Protection Officer Jeremy SQUIRES, an officer with a tobacco detection dog from Wagtails and several police officers.

Upon entering the shop I approached the counter area which was to the left of the door to the front of the shop. There was a male behind the counter who I now know to be Muhammad IBRAHIM DOB 19/09/1986, I knew this information as he provided

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a photocard driving licence. IBRAHIM's address on his driving licence was 212 Lindsay Avenue, Sheffield S5 7SG.

I explained to IBRAHIM that I was a Trading Standards officer, I showed him my identification and my authorisation on the rear of my ID. I explained I had a warrant to search the premises for illicit tobacco products. I followed this up by asking if he was aware of such products being in the shop.

IBRAHIM explained that he was helping his friend by working in the shop and he wasn't aware of any illicit products on site. He then tried to call the owner, however stated that he hadn't answered his phone call.

I searched behind the counter/till area which was a very tight area. I also searched an area to the left of the counter in the main retail space by removing stock, I did this as the dog handler explained the tobacco dog had showed interest in a pillar to the left of the store past the counter, no counterfeit/illicit cigarettes were found in the store.

I asked IBRAHIM if there was a stock room as there was nowhere within the shop to store items, I also queried that there surely must be a toilet for staff. IBRAHIM denied that there was a stock area and that he used another shop's toilet facilities.

Shortly after this I received information from the police that there was a gate to the left of the property, they could see a product cage through the gate, so suspected this was where stock was stored. IBRAHIM was asked for the keys to the rear gate, he denied he had them.

Officers searched the male and found keys that opened the gate.

Behind the gate was a passage which led to the rear of the shop and next doors premises (to the left). There was a metal outbuilding to the left that had padlocks on it (I could see new bathroom products inside) and a metal structure to the right that had a PVC door on it, SQUIRES commented that he could see through the letterbox of the outbuilding that it was a beer store. There was also what looked to be a dwelling with the number 89 on it. The property had metal railings across the windows, the door to the property also had railings, however this was not locked shut. I could see boxes of crisps and other products through the window, it looked to be a kitchen on the lower floor with what looked like a staircase going to an upper floor.

IBRAHIM was asked if he had keys to the property and the outbuilding, he denied these were connected to the shop.

A Police officer then approached me and told me she had received intelligence that the metal outbuilding to the left belonged to the premises next door, but the property and the outbuilding belonged to the shop.

It was explained to IBRAHIM that if we could not get in with a key, force would be used to gain entry. A short while later SQUIRES explained that he had spoken with

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IBRAHIM and that his boss would arrive in 30 minutes to provide the keys, SQUIRES stated he needed to be here within 20 minutes.

During this time we searched IBRAHIM's vehicle VRM ND10 GMY, nothing was found, this was parked on Meadow Street.

At 11:27hrs no one had attended with the keys, entry was forced to the metal outbuilding, it was searched and it was found to be a beer store, no illicit cigarettes were found.

IBRAHIM was approached and told that the door had been forced to the outbuilding and that his boss still hadn't turned up, we were going to force the other property's door too.

At 11:45hrs still no one had attended with a key, police officers knocked on the door loudly and then attempted to gain entry to the property with the MOE kit.

After around 20 minutes of trying to gain entry a male came to the door within the property, he stated that he had been wanting some work, he had done some cash and carry work for the owner. He didn't have a key to get out of the flat, the owner was meant to pick him up at 10am. This male handed me his driving licence through the door, his name was Halhaut Mohammad SDEIK DOB 06/10/1983 of 134 Popple Street, Page Hall, Sheffield. PC 1476 Plummer took a photograph of this ID.

Once entry was gained each room was searched, the first room was a small kitchen, up the stairs of the property was a hallway. Almost straight opposite the stairway upstairs was a bedroom that looked out onto Ferham Road. To the right of the room (the rear of the property) there was another smaller bedroom and a bathroom.

When I arrived at the top of the stairs I was informed there were cigarettes in the rear bedroom, I made my way there first.

Once in the rear bedroom I saw a mattress on the floor, in the corner of the room near to some wardrobes was a box, several bags and two holdalls, I took the following photos, they can be described and exhibited as,

'1 x image of items in situ'- JV2

'1 x image of Sports Direct holdall'- JV3

'1 x image of black holdall'- JV4

I was then directed to the front bedroom where I found a mattress on the floor in the right hand front corner of the room (looking into the room from the hallway). When this was moved it revealed a black pipe in the flooring (this looked to be above the shop). I then took a photograph of this, this image can be described and exhibited as,

'1 x image of piping in flooring- front bedroom'- JV5.

After speaking with colleagues who were downstairs in the shop it became apparent the pipe came out under the counter in the shop.

I then returned to the rear bedroom and I took the following images,

'1 x image of items inside box' – JV6

Myself and Jeremy SQUIRES started grouping and counting the cigarettes and tobacco that were from inside the bags and holdall. Whilst doing this I took two images, these can be known as

'1 x image of items'- JV7

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'1 x image of items close up' - JV8.

The items recovered can be described and exhibited as follows;

51 packets of Black Mount 20's

21 packets of Malboro red

50 packets of JPS red

10 packets of Malboro Ice

54 packets of Richmond KS

60 packets of Emke Crush

These were all placed into exhibit bag R0005680, this can be known as exhibit JV9.

57 packets of Benson & Hedges gold

62 packets of Lambert and Butler

35 packets of Mayfair

32 packets of Benson & Hedges Silver

17 packets of Mond Queen

51 packets of Superkings

11 packets of NZ Gold

3 packets of Crush Super slim

12 packets of L+M 10's

55 packets of L+M 20's

These were placed into bag R01437521, this can be known as JV10.

12 packets of Queens Menthol

14 packets of Mevius

1 packet of Milano

2 packets of Oscar

1 packet of Compliment

1 packet of Malbro Purple

These were placed into bag B064050147, this can be known as JV11

66 packets of Minsk

18 packets of Shuffle

10 packets of Winston

5 packets of Malboro Gold

101 packets of Golden Virginia

17 packets of Turner

These were placed into bag R01437522, this can be known as JV12.

Whilst searching the room I came across 2 documents in the wardrobe, they looked to be opened letters in the name of Amanj JAWAD, the address was 192 Ferham road, Ferham, Rotherham. I recovered these documents and they can be described and exhibited as,

'2 x letters'-

They were placed into bag P06405946, these can be known as JV13.

Once all the exhibits were secured I returned to the shop and spoke with IBRAHIM, I asked where the CCTV hard drive was, IBRAHIMI stated he didn't know. SQUIRES

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searched the void above the tiles in the shop and couldn't locate the hard drive even though there was wires located in the space. A short while later a Police Officer informed me that they had located the Hard Drive in the upstairs flat in the front bedroom. This was seized and placed into bag N00230127, this can be described and exhibited as,
'1 x DVR Hard drive' - JV1.

I would describe IBRAHIM as an Asian male, around 5ft8 to 5ft10 tall, aged late 30's, average build with dark hair. I had him under observation for around 10-15 minutes in total while I was searching the shop and his car, during this time there were obstructions due to the searches carried out. The male was not known to me prior to this meeting and there were no other reasons to remember him.

I would describe SDEIK as an Asian male, around 5ft 6 tall, aged in his 40's, large build with balding dark hair. I had him under observation for around 5 minutes while speaking to him through the door and saw him briefly once he left the flat. This male was not known to me prior to this meeting and there were no other reasons to remember him.

All items were taken to the Trading Standards exhibit room located in Riverside House where they were secured.

Dated the

Signed:.....

Statement witnessed by:

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Statement of witness
(Criminal Procedure Rules, r 27.2);
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF Darren Brown
Age of witness (if over [18] enter "over [18]"): Over 18

This statement (consisting of 1 pages) 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.

Signed: [REDACTED]
Date: 17/08/2021

I work for Red Snapper Limited as a Test Purchaser assisting Local Authorities in the test purchase of illicit products including tobacco products. On the 17th August 2021, I assisted Rotherham Borough Council Trading Standards with a Test Purchase operation involving illicit tobacco products. I visited a number of premises attempting to purchase cheap/non duty paid cigarettes or tobacco as instructed by Officers of Trading Standards. I was provided with test purchasing money prior to entering each premises.

I was instructed by Peter Doxey of Rotherham Trading Standards to attempt a purchase at the premises of Ave Ferham Supermarket, 192 Ferham Road, Rotherham, S61-1DZ.

I entered the store at 1317 hours and asked the person behind the counter for 2 packets of Richmond King Size Cigarettes - cheap ones. I received the above items - 2 x packets of Richmond King Size Cigarettes and paid £9.00 for the item(s). I left the store at 1318 whereby I handed the item(s) to Peter Doxey of Rotherham Trading Standards who I saw place in a bag and seal it. I saw him writing the seal number down in his notebook. I would describe the person who served me as Afghan / Arabic male, approximate age 25 to 35 years old wearing a black bottoms, skinny build with black hair and black facial hair. The male had a tattoo on his left arm on the upper part where I could see the tattoo slightly meeting the end of the T shirt sleeve and his visible arm. The males T shirt had written across the chest area the words similar to "Silk" and remember the T shirt being dark in colour. The person got the product sold to me from under the counter.

Date: 17/08/2021
Sign: [REDACTED]

ROTHERHAM METROPOLITAN BOROUGH COUNCIL**WITNESS STATEMENT**

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

STATEMENT OF: JEREMY PETER SQUIRES

AGE OF WITNESS (IF OVER 21 enter "over 21") OVER 21

OCCUPATION OF WITNESS: Community Protection Officer

ADDRESS: Rotherham M.B.C.
Riverside House
Main Street
ROTHERHAM

This statement consisting of two 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.

Dated the 22nd September 2021

Signature

Statement made by.....

My name is Jeremy Squires; I am a Community Protection Officer, employed by RMBC. I am duly authorised to make this statement on behalf of the Council. I have 25 years' experience of dealing with enforcement cases in various roles including Licensing and Trading Standards, Environmental health.

On 22nd September 2021 I was carrying out my duties assisting on a warrant execution at premises know as Ave Ferham, 192 Ferham Road, Ferham, Rotherham. The purpose of the warrant was to check the premises for the sale and supply of illicit tobacco products. The officer executing the warrant was my colleague Jamie Vernon, Trading Standards Officer. I was acting as exhibits officer as part of this operation.

We arrived at 10.50 and parked outside the premises, Miss Vernon executed the warrant and identified herself and me to the shop assistant Mr. Mohammed Ibrahim she informed him the reason for the visit and that we would be searching the premises with the assistance of South Yorkshire Police and a tobacco detection dog, which is trained to find tobacco and cash.

Once the search of the shop area had been completed and nothing was found Mr. Ibrahim was asked for keys to the storeroom around the back of the

Signature..... Witnessed by.....

APPENDIX 4

premises, he initially said that he didn't have access, however, he was searched by one of the Police officers and they found keys to the rear yard on Mr. Ibrahim's person. We found that access to the upstairs of the premises and a store shed were both locked. However, we could view stock through the windows of the store and upstairs flat. Mr. Ibrahim was again asked for the keys to the upstairs and the storage shed again he said he didn't have keys. He then rang the owner at 11.15 and he said that he would be here in 30 minutes, he was informed that the warrant covered and outbuildings, or premises attached to the shop, and that we would be forcing entry in 20 minutes.

We waited until 11.45 and the owner failed to attend, therefore colleagues from South Yorkshire Police were instructed by Miss Vernon to force entry to the store shed and the upstairs flat to the shop. The store shed was entered and was an alcohol store and no tobacco products were found.

We then entered the upstairs flat, which was occupied, and Miss Vernon and South Yorkshire Police dealt with the occupant. I searched the flat and found several holdalls and bags in the rear bedroom. Within the bags were tobacco products. As Exhibits officer I then cataloged and bagged up all the tobacco products which were not packed in the correct packaging. The exhibits were listed on a record of seized property sheet by me. (Exhibited in Evidence JS1) All the seized tobacco products were placed in evidence bags and sealed by me. The evidence bags were as follows R000580, (Exhibited in Evidence JS2) R01438521, (Exhibited in Evidence JS3) P06405947, (Exhibited in Evidence JS4) R01437522, (Exhibited in Evidence JS5) P06405946 (Exhibited in Evidence JS6). We then seized the hard drive for the CCTV system which covered the premises this was placed in evidence bag N00230127. (Exhibited in Evidence JS7)

Whilst I was on the premises my attention was drawn to the front bedroom where in the right-hand front corner, I was shown a black pipe in the flooring which I later confirmed led to the shop below. My colleague Jamie Vernon took pictures of the pipe.

All the evidence bags were placed into our vehicle, we then re-entered the shop part of the premises and my colleague Miss Vernon served Mr. Ibrahim with a copy of the warrant and copies of the seized property records. We then left the premises and returned to the Council's secure evidence store where the above seized items were placed.

Signature witnessed by.....

Regeneration & Environment Services

Community Safety & Street Scene - Trading Standards

Riverside House, Main Street, Rotherham, S60 1AE

Tel: (01709) 823161/4

Email: trading_standards@rotherham.gov.uk

Search Reference Number

Item Number

RECORD OF SEIZED PROPERTY

| | | | |
|-----------------------------------------------|--------------------------|---------------------|-------------|
| Address of premises | 192 FORHAM RD FEAT ABOUN | | |
| Date of search | 22/9/21 | Start time 10.50 | Finish time |
| Officers present | JAMIE VERNON | | |
| Exhibits officer | JEREMY SQUIRES | | |
| Other persons present | | | |
| Act and section (under which seizure made) | CONSUMER RISK ACT 2010 | | |

| Item number | Description | Seized by | From where |
|-------------|-----------------------|-----------|------------|
| R000568051 | 51x BLACK MOUNTS 2015 | JBL | FRONT BOY |
| — 11 — | 21x MALBRO Red | — 11 — | — 11 — |
| — 11 — | 30x JPS Red | — 11 — | — 11 — |
| — 11 — | 10x MALBRO ICE | — 11 — | — 11 — |
| — 11 — | 54x RICHMOND 45 | — 11 — | — 11 — |
| — 11 — | 60x KINGS CRISPS | — 11 — | — 11 — |
| R01437521 | 57x B+H GOLD | — 11 — | — 11 — |
| — 11 — | 62x LABAY BUTTERS | | |

| | |
|--------------------------------------------|------------------|
| Name of person this notice handed to: | MOHAMMED IBRAHIM |
| If no occupier, where the notice was left: | SALU ASSISTANT |

APPENDIX 4

RECORD OF SEIZED PROPERTY (Sheet 2)

Search Reference
Number

| Item number | Description | Seized by | From where |
|-------------|----------------------|-----------|------------|
| RO14337521 | 35x MAYFAIR WS | JEZ | FRONT BOO |
| 12 | 32x B&H SILVER | 12 | — 12 — |
| 11 | 17x MOND RUBEN | 11 | — 11 — |
| 11 | 51x SUPERKINGS | 11 | — 11 — |
| 11 | 11x NZ GOLD | 11 | — 11 — |
| 17 | 3x GRAY SUPERSTAR | 11 | — 17 — |
| 4 | 12x L+M 10's | 11 | — 11 — |
| — 11 — | 55x L+M 20's | 11 | — 11 — |
| PO6405947 | 12x QUEEN MARIAGE | 11 | — 11 — |
| — 11 — | 14x MEVIUS | 11 | — 11 — |
| — 11 — | 1x MILANO | — 11 — | — 11 — |
| — 11 — | 2x OSCAR | — 11 — | — 11 — |
| — 11 — | 1x COMOLMUS | — 11 — | — 11 — |
| — 11 — | 1x MALBRO PEARL | — 11 — | — 11 — |
| RO1437522 | 66x MINKA | — 11 — | — 11 — |
| 11 | 18x SHUTTLE | — 11 — | — 11 — |
| 11 | 10x WHISTON | — 11 — | — 11 — |
| 11 | 5x MALBRO GOLD | — 11 — | — 11 — |
| 11 | 101x GOLDEN VIRGINIA | — 11 — | — 11 — |
| | 17x TURNO | — 11 — | — 11 — |
| PO6405946 | 2x LOTTE | — 11 — | — 11 — |
| N00230127 | 1x DVR HARDDRIVE | | |
| | | | |

APPENDIX 4

Rotherham Metropolitan Borough Council

STATEMENT OF WITNESS

STATEMENT OF WITNESS

Age of Witness: **22** Over 18: **YES**

Occupation of Witness: **Dog Handler**

This statement, consisting of 1 pages 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: Monday 10th January 2022

I am employed by Wagtail UK LTD and hired out by Peter Doxey, Rotherham Metropolitan Borough Council within the Trading Standards service to carry out tobacco searches within the area of Rotherham. On the date of 22-09-21 I had entered the premises of Ave Ferham Supermarket, 192 Ferham Road with Trading standards officers. We entered at 11am with my detection dog, Billy (Springer spaniel, trained to detect tobacco and cash.) As it was a small shop with no back room, I proceeded my search on the shop floor. Billy showed a large amount of interest on a hollow wall which stuck out from the main wall sandwiched between a freezer and shelves. He did not indicate on this but due to his strong interest I asked trading standards officers to investigate further. Upon additional exploration we found it to be no more than electrical wires coming from the upstairs flat.

As I was completing the shop floor trading standards officers were able to clear behind the counter of people so I had sufficient space to work Billy as comfortably as possible in such a small space. Billy straight away portrayed a change in body language which told me he was showing major interest low down near the wall of the counter. As the area had residual tobacco scent, Billy was able to pick up on this which led me to ask officers to further investigate the area. Billy could not pin point the exact location due to numerous items being in the way. As I had a 2nd premises to attend, I left with Billy before a pipe was discovered and directly located.

(Signed) **JESSICA BODEN** 

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.....June2022

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 addition to my statements dated 15th June 2021 and 27th September 2021 I can confirm the following.

On 9th October 2020 I attended Ave Ferham Supermarket, 192 Ferham Road, Rotherham, in the company of Rachel Williams, who was employed at the time in the position of Licensing Enforcement Officer. The visit was because of information received from PC Kenny of South Yorkshire Police.

PC Kenny advised me prior to the 9th of October that the premises had failed a Police led test purchase and had sold alcohol to a child. Upon viewing licensing records for this premises, I discovered it to not have the permissions of a premises licence. A premises licence had been in place at the premises however this was revoked at a meeting of the Licensing Sub – Committee on 8th July 2019. The Premises Licence holder prior to the revocation of the licence had been Mr. Halo Omid.

I attended the premises during the afternoon of 9th October and spoke with a male behind the counter of the premises. This male introduced himself as Mr. Amanj Jawad and when questioned explained that his position at the premises was shop manager. Mr Jawad stated he ran the business on behalf of the business owner, Mr Omid, as he was no longer involved with the business.

I asked Mr Jawad how long he had been the manager for, he stated he could not recall how long exactly but that he had managed the premises throughout that year, 2020.

The shop was heavily stocked with alcoholic products and when questioned by me Mr Jawad stated alcohol sales made up a large percentage of the business sales. Mr Jawad accepted that alcohol had been sold on 9th October prior to me visiting and on all other days prior to this.

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

Witness Statement

(Criminal Procedure Rules, r27.2;

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

APPENDIX 5

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

I asked Mr Jawad why alcohol was on display and being sold in a premises which does not have the authority under a premises licence to do so. He stated that he had not been aware of the revocation of the premises licence and believed the premises to have a licence but accepted that he had not checked this with Mr Omid or seen a copy of the premises licence. Mr Jawad could not produce the premises licence and the licence summary was not on display.

Mr Jawad could not produce a challenge register when requested and stated that if someone looked underage, he would ask for identification to verify their age. It was accepted by Mr Jawad that this challenge would not be recorded, and he could not evidence that age verification checks were being made.

A second staff member was working at the premises during the visit, and I asked him whether he had been trained in the responsible sale of alcohol. He stated that he had received no training and was unsure of what action to take if he believed a customer to be under the age of 18.

The premises had no staff training register and Mr Jawad accepted that he had not trained staff members in his capacity at the premises, nor had he raised a lack of training as a concern with Mr Omid.

I advised Mr Jawad that the premises did not currently have the permissions of a premises licence to display or sell alcohol for consumption off the premises. Mr Jawad subsequently removed the alcohol from sale voluntarily.

Whilst at the premises I made several attempts to contact Mr Omid by telephone to discuss the premises, Mr Omid failed to answer my calls. Following this Mr Jawad attempted to call Mr Omid, the phone was answered, and the phone put onto loudspeaker. A male on the end of the phone identified himself as Halo Omid and when questioned stated that he was not involved in the business as he had sold the business to Mr Jawad.

During the visit I took 5 images of the alcohol on display both on the shelves and behind the till area which I exhibit as KLL/6.

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

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

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

This statement, consisting of.....3..... 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...27th..... day of.....September2021

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 and latterly the Principal Officer since 2015 and was previously a Police Community Support Officer, my duties include liaising with Hackney Carriage and Private Hire Drivers, overseeing investigations concerning Private Hire and Hackney Carriage Drivers, vehicles, Private Hire Operators and licensed premises.

In addition to my statement dated 15th June 2021 I can confirm the following.

On Wednesday 22nd September 2021 I attended Ave Ferham Supermarket, 192 Ferham Road, Rotherham, as part of a Trading Standards led operation in which they were executing a warrant for the sale of illicit tobacco and cigarettes.

Two other premises within the Borough were the subject of a warrant and I attended these premises initially with Licensing Enforcement Officer Cory Bailey whilst Senior Licensing Enforcement Officer Rachael Winstanley attended 192 Ferham Road.

At approximately 12.00hrs I arrived at the premises in the company of Mr Bailey and spoke with Miss Winstanley who was standing outside the front of the premises. Miss Winstanley advised me that Mr Jawad was not present although had been contacted and had said he would be travelling to the premises. One male who had identified himself as a member of shop staff was at the premises.

I spoke with two other Council officers, Jamie Vernon, Trading Standards Officer and Jeremy Squires Community Protection Officer who were beside an entrance door to a flat at the rear of the premises. Police Officers were attempting to gain entry to the flat as a male inside had stated he had been locked inside by a male working for the premises some hours earlier. I heard this male say he did not have a key to the flat and had been locked inside with no means of escape.

Also at the rear of the premises was a metal container similar in structure to a shed which contained various types of alcohol.

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

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

Upon Police Officers gaining entry to the premises Ms Vernon and Mr Squires entered the flat with a police officer, a short time later Mr Squires advised me that a quantity of cigarettes had been located inside a bag within a wardrobe of the flat.

I entered the flat with Miss Winstanley and went upstairs and into a room on the left, upon entering the room I could see both Ms Vernon and Mr Squires. In front of them was a black holdall and I could see cigarette packets of differing types within the holdall. Several other packets were laid on the floor in front of both officers which I was advised had also been located inside of the wardrobe.

Ms Vernon held up several letters which she had located inside of the wardrobe, these letters had been opened and were addressed to Mr Amanj Jawad, the premises licence holder. I took a series of images of the cigarettes which I exhibit as KLL/4.

In a separate room was a small fridge and a mattress with a lilac coloured duvet and pillow on, in the far right corner of the room a small section of the floor board had been lifted which exposed a hole in the floor. I looked at this hole which had what appeared to be a drainpipe or similar pipe inserted into it, the pipe ran through the hole and down to the floor below which is the shop. At the bottom of the hole, I could see a mop head. I took a picture of this which is exhibited within KLL/4.

Miss Winstanley exited the flat and went into the shop below, whilst Rachael was in the shop, she called me on my mobile phone and we ascertained the location of this hole to be at the back of the shop counter on the left hand side if you are facing into the shop. I dropped a black pen down the hole which was then recovered at the bottom.

As I left the flat, I was approached by a Police Officer who asked if I needed to speak with the male who had been locked inside of the flat. I spoke with him in the presence of Mr Bailey at approximately 12.45 hours, this conversation took place outside the front of the premises and I recorded the conversation into my pocket notebook. I exhibit a copy of my pocketbook pages 2 – 9 as KLL/5. Additionally, today I typed the conversation from my pocketbook for ease of reading which I exhibit as KLL/5b.

I asked the male if he worked at the premises and he stated "NO." I asked if he goes inside of the shop and again, he stated "NO." The male went onto say that that day had been the first time he had been to the premises and he had been to the cash and carry, walking into the premises and then the flat with a male who had said to him that he should sleep at the flat and that he would return at 10/half 10am to take him back to Sheffield. He further stated that he had been looking for a job and this male had said that he would take him the following day (22nd September) to the cash and carry. This male had offered him work inside the shop, but he could not do this because of his back so this male had said cash and carry to him.

It was further stated that upon going into the flat he had asked this male for the flat keys, but the male had said no and that he would return and let him out.

I was advised at this point by a Police Officer present that a set of keys had been found in the flat in the same room as this male and that they keys fit and worked the locks at the flat and the premises.

I asked this male if he had keys to the premises and flat and again he stated "I DON'T HAVE ANY KEYS."

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

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

I asked this male if he knew the name of the person who had taken him to the cash and carry and locked him in the flat and he stated, "MOHAMMED I KNOW HIM AS, HE'S FROM PITSMOOR."

The male went onto state the male had said cash and carry to him telling him that it's easy. He further stated that he had not wanted to go into this room but had said that he was tired and this male had said you go in there and sleep and I'll come back.

I asked this male if he knew anyone by the name of Amanj Jawad and he stated, "NO I DON'T KNOW HIM."

I asked this male if he knew anyone by the name of Hallo Omid and he stated, "NO, I DON'T KNOW HIM, I DON'T LIVE IN ROTHERHAM."

The male went onto state this male had a car or a van and pointed to a small white van on the street. I asked him if he was saying it was similar to this van and he said "YES, SMALL WHITE VAN."

I asked the male where the cash and carry was and he stated, "I DON'T KNOW WHERE THE CASH AND CARRY WASM I'M NOT USED TO BEING HERE. I SAID I'D BEEN TO IRAQ AND NOW LIVE IN PAGEHALL, I NEED WORK. I SPOKE TO HIM IN PITSMOOR."

I asked if he knew the age of this male and he stated, "I DON'T KNOW HIS AGE, I'VE BEEN IN THERE SINCE 9AM."

Miss Winstanley had arrived and was standing beside me she asked this male if he had been on his own in the flat and he stated, "YES, NOONE HERE."

Miss Winstanley asked the male if he had ever put cigarettes down the tube located inside of the flat, he stated, "NO I DON'T TOUCH CIGARETTES." When asked if he knew the male who was inside of the shop he stated he did not know him despite this male being called Mohammed. The male went onto say that after he had taken the boxes into the shop he had been tired. He has been picked up at 8am from his house by a person he described as a guy and this male had said he would take him back home again.

Miss Winstanley asked the male if he knew how to contact the male who took him to the premises and he stated, "NO I DON'T KNOW HOW TO CONTACT HIM, HE SAID TOMORROW YOU COME WITH ME AND SEE IF YOU LIKE IT. I GAVE HIM MY ADDRESS, HE SAID I'LL TAKE HIM. HE IS KURDISH, HE SAID IF YOU LIKE IT YOU GET JOB."

The Police Officer reiterated that the keys found with this male were the shop keys, the keys for the internal doors and the shutter remote fob.

Miss Winstanley asked the male if he had been paid for that day and he stated, "NO, I'VE NOT BEEN PAID, HE SAID HE WOULD WHEN HE CAME BACK."

The conversation was ended at this point, shortly after I left the premies to return to the Council Offices.

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

APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5

APPENDIX 5



APPENDIX 5



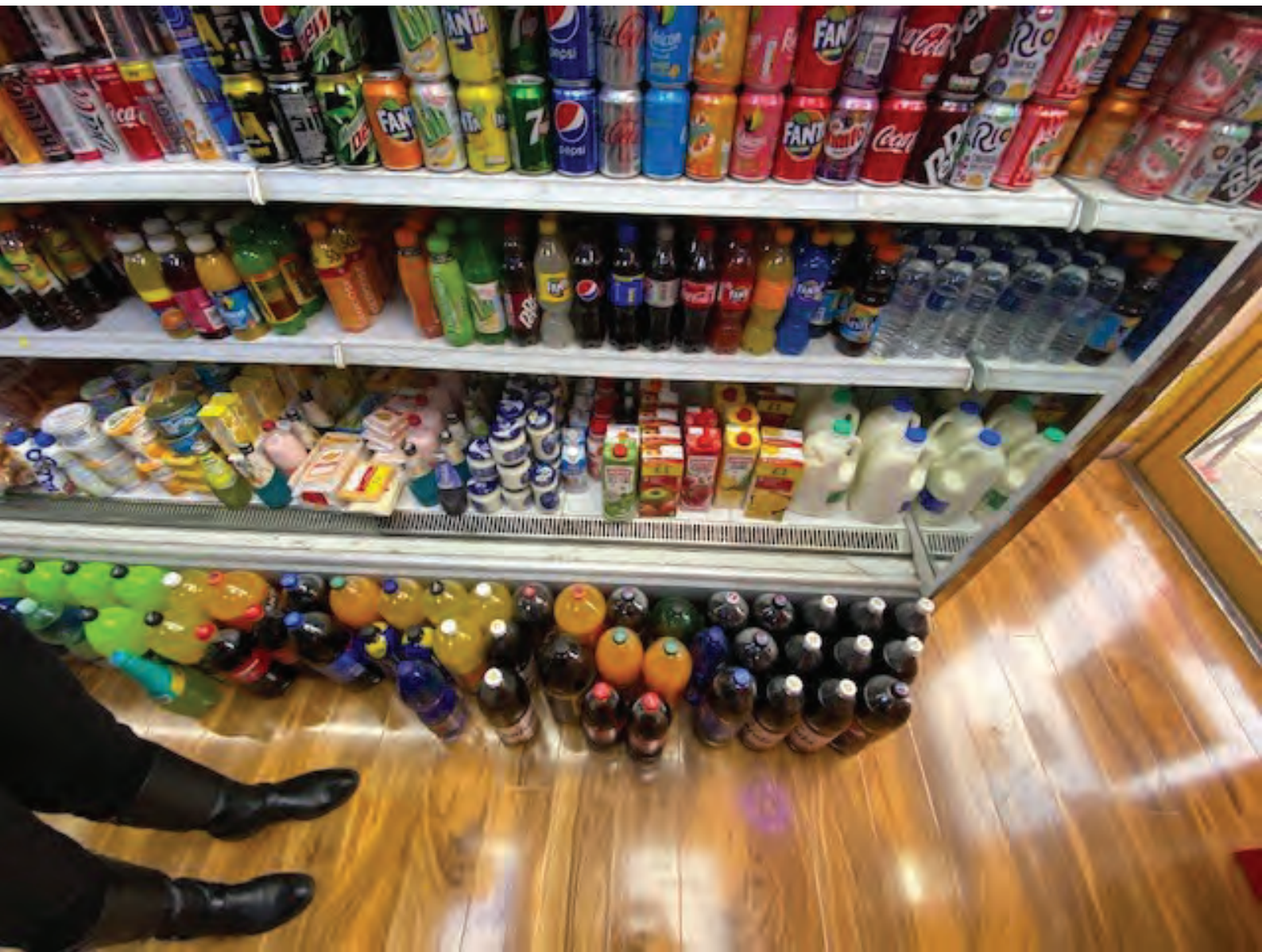
APPENDIX 5



APPENDIX 5



APPENDIX 5



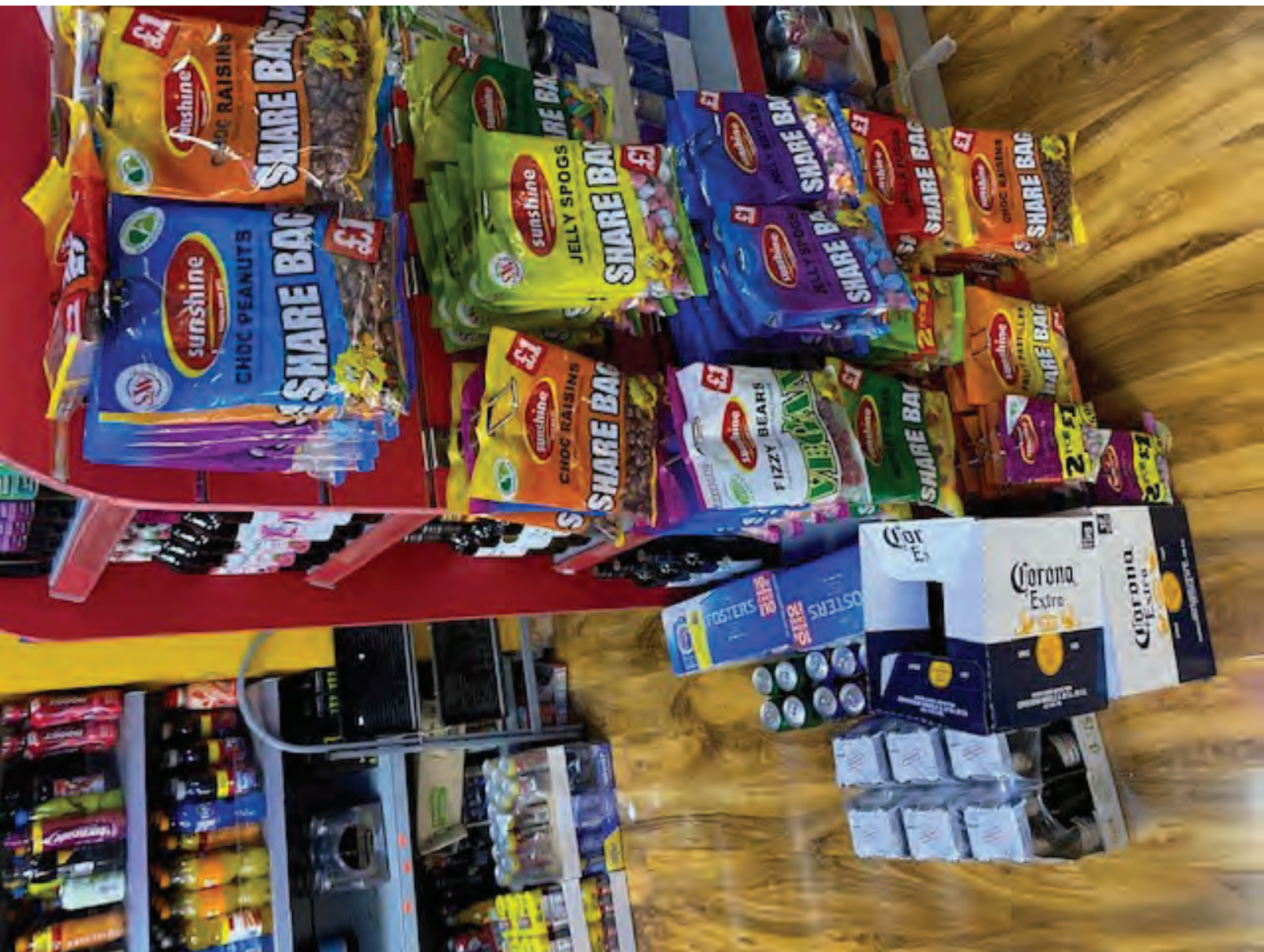
APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5

2
17th August - Date of
TPIS

10:00 Briefing

10:30 outside

12:45 Down were here

- No
- Down again shot

- No
- first day here today

1. Came from Cash
and Gary I wanted
in with him he

3

Said we sleep
here to night we'll
come back here
and take us to
she herd.

1. Said looking for
jobs he said

tomorrow I'll take
you to the Cash and
Gary. He offered me
work in the shop but
I can't do this so he

Said Cash and Gary.
I said give me the
key he said no I'll
let you at.

APPENDIX 5

I don't have any
kids.
I know I know
him as he's from
Hillmoor.

He said Cash and
Carmy is easy.

I didn't want to
go in this room.

I said I'm tired he
said go in there and
sleep I'll come back.

Q - How long did
you stay there?

A - I don't know how
long and

no I don't know

I don't know where
he was.

- I had a grey
van, white snow
van.

I don't know where
the Cash and Carmy
was if he brought
used to being there.

I said I'd been to

if he said now he is
in there I need

work. I spoke to him
at Hillmoor.

- I don't know his age.
He was in there

APPENDIX 5

Smile. Can I
leave go just an in
there?
A Yes, come here
and have up for Casado
can the photo?
A No, I don't back
Cigaredo.
- Stated don't know
My name in the book
After I'd taken the
boxes I said I
was done.
- This guy picked me
up at 5 from my

house he said he
would take me
back.

6 Do you know how to
contact him?

A No, I don't know
how to contact him.
- Phone produced.
He said tomorrow was
come with me and
see if you like it.
- I gave him my
address he said
I'll take him.
He is Kurdish.
- He said if you like it
you get job.

APPENDIX 5

8

07
LO

- Lens on this made were the still lens shutter remote and lens for internal doors.
Have you been paid for today?
No, I've not been paid he said he would when he comes back.
- I don't know.
- Lens for door is

9

- in afternoon,
End.
13.15 End of visit return to
Liverside House.

APPENDIX 5

KLL/5b typed copy of Keeley Ladlow pocket notebook for ease of reading.

12.45 – Do you work here?

No

Do you go in shop

No

First day here today, I came from cash and carry. I walked in with him, he said you sleep here 10, half 10 I'll come back for you and take you to Sheffield.

I said looking for job, he said tomorrow I'll take you to the cash and carry. He offered me work in the shop but I can't do this so he said cash and carry. I said give me the key he said no I'll let you out.

I don't have any keys.

Mohammed I know him as he's from Pitsmoor.

He said cash and carry is easy.

I didn't want to go in this room. I say I'm tired, he said go in there and sleep, I'll come back.

Q – Amanj Jawad?

No I don't know him.

Q – Hallo Omid?

No I don't know him, I don't live in Rotherham.

He had a car or a van. White small van.

I don't know where the cash and carry was, I'm not used to being here. I said I'd been to Iraq and now live in Pagehall, I need work. I spoke to him at Pitsmoor.

I don't know his age.

I've been in there since 9am.

RW – On your own in there?

A – Yes no one here.

RW – Have you put cigarettes down the chute?

A – No, I don't touch cigarettes.

Stated doesn't know Mohammed in the shop.

After I'd taken the boxes I said I was tired.

This guy picked me up at 8 from my house, he said he would take me back.

Q – Do you know how to contact him?

A – No, I don't know how to contact him.

APPENDIX 5

Phone produced.

He said tomorrow you come with me and see if you like it.

I gave him my address he said I'll take him.

He is Kurdish.

He said if you like it you get job.

07

Keys on this male were the shop keys, shutter remote and keys for internal doors.

RW – Have you been paid for today?

No I've not been paid, he said he would when he comes back.

I don't know.

Keys found upstairs in fag room.

End.

APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



APPENDIX 5



ROTHERHAM METROPOLITAN BOROUGH COUNCIL

WITNESS STATEMENT

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

Statement of: Rachael Winstanley

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

Occupation: Senior 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 23rd day of September 2021

Signature

Witness

I am the above named person and I currently work as the Senior Licensing Enforcement officer at Rotherham Metropolitan Borough Council (RMBC), I work mainly from the offices at Riverside House, Rotherham. I have worked within Licensing at RMBC since June 2016. As part of my role, I liaise licence holders and DPS' of licenced premises and carry out investigations.

This statement is further to my statement dated the 8th September 2021.

On Wednesday 22nd September 2021 at approximately 10.00 hours, I attended a briefing at Riverside House, holding the briefing was Peter Doxey, a Trading Standard Officer at RMBC. The briefing was regarding an Operation and was relating to counterfeit cigarettes being sold at premises in Rotherham, Peter Doxey held the briefing and had obtained a warrant for premises including 192 Ferham Road, Rotherham, which I know as Ave Ferham Supermarket.

As I had already been involved with 192 Ferham Road I requested that I be involved and present during the warrant being executed at that address. Jamie Vernon, a Trading Standards Enforcement Officer at RMBC had been assigned as the lead officer and Jeremy Squires, Community Protection Officer at RMBC assigned as the exhibits officer on the warrant. Also attending the venue was Police Officers from South

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

SIGNED

WITNESSED

Yorkshire Police.

Due to the Covid Pandemic and the fact that the Operation was Trading Standards led I agreed to hold back until Jamie Vernon and Jeremy Squires had been into and secured the premises and the dog handler had been in with the dog. At approximately 10.45 hours on the same day, I attended the premises with the officers, on my arrival the dog handler had already been into the premises and nothing had been found inside the shop.

The premises are a small off licence with no storage or rooms coming off from the shop, there is an alleyway outside to the left of the shop that has a door which was locked. I was aware that Jamie VERNON and Jeremy SQUIRES were trying to get the keys to unlock the side door and did eventually get some keys from the male who was in the shop who I know to be Mr Muhammad IBRAHIM dob 19/09/1986 of 212 Lindsay Avenue, Sheffield, S5 7SG, he provided his driving licence to confirm his details.

I had a look round the shop and noticed to ensure that there was no lager or cider with alcohol content 6% ABV or higher – I could not see any breach of this condition. I did however see that there were single cans of beer being displayed and could see packs of 4 cans that had been opened – in breach of the licence conditions. I took photos of the display and also photos of the single cans on the shelf and packs of 4 cans that had been opened, I exhibit these as RW/1 to RW/4.

I spoke to Mr IBRAHIM in regard to the conditions on the licence and noted that the licence summary was on display. I asked Mr IBRAHIM if there was a full copy of the licence, he took out a box file from under the counter which I opened, a copy of the full licence was inside. Mr IBRAHIM said 'everything is in that box' was not very forthcoming with information.

I looked at all the books that were in the box and took photos of the books which I exhibit as RW/5 to RW/30. I noticed that that the books were mostly blank. The only entry that I could see was in 2 of the refusal's books, the first refusals book exhibit RW/11, which was an entry by Mr Heewa SOFI, exhibit RW/12. This was not dated, and Mr IBRAHIM said that this was form 2002 however that was the example entry, it was not know when this entry was made.

The second refusals book, exhibit RW/13 had 3 entries from 2021, the entries are shown in exhibit RW/14, other than that the books were blank. I could not see any log book which gave any details of the responsible person as set out in the conditions of the licence. I also noticed looking through the books that some had the name Ilyas GUN who I was aware was the DPS prior to Mr Amanj JAWAD.

I walked outside and as a male and female was walking past the shop, the male stopped and said something to me as he was walking off, I asked him a few times what he was saying, he was walking off as he was speaking, I eventually heard him say 'Are you doing them for dodgy fags', I said 'Why do you think that?' He told me 'because they sell dodgy fags, my wife buys them from there' I asked him 'Where do they get them from in the shop?' He replied 'from behind the counter, from a black bag, someone in a car comes and drops them off in a black bag' He continued to walk away from me and then said 'That didn't come from me though'.

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

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WITNESSED

APPENDIX 5

I was aware that during in the time that I was speaking to Mr Ibrahim my colleagues were attempting to gain access to the rear and had spoken to the licence holder and DPS at the premises Mr Amanj JAWAD. I left the shop and could see that they had gained access to the alleyway and at the end was a metal outbuilding which had been opened as part of the warrant. I took a photo of the inside which I exhibit as RW/31, it contained a large amount of alcohol and soft drinks.

The trading standards officers and police were attempting to gain access to the building to the rear of the shop and which leads to the flat upstairs. After some time one of the pains of the outside door had given way and a male appeared at the door whom I now know to be Mr Halkaut Mohammad SDEIK dob 06/10/83 of 134 Popple Street, Sheffield, S4 8JJ. Mr SDEIK was asked to open the door but stated that he did not have keys and was locked inside. The police continued to force entry and eventually the door gave way.

Jamie VERNON and Jeremy SQUIRES entered the premises with the Police. The doorway led to a small kitchen type area that was filled with boxes, immediately to the right was a stairway that led to the upstairs flat above the shop, this contained two medium sized rooms and a bathroom. I was advised by Jeremy SQUIRES that a large quantity of cigarettes had been located in the second room that you came to from the top of the stairs. Keeley LADLOW went into that room and took photos of the cigarettes, she also informed me that she had seen a number of opened letters in the name of Mr Amanj JAWAD, the DPS and licence holder for the premises below.

At the top of the stairs was the first room, this room was directly above the front of the shop. I went into the room and could see a mattress and rug on the floor, in the corner was a floor board which had been lifted which exposed a hole in the floor with a thick pipe running from there and down into the shop, I took photos of the room and the hole in the floor which I exhibit as RW/32 and RW/33. At the bottom of the long pipe I could see a mop head. I went downstairs and back into the shop, Keeley Ladlow dropped a pen down the pipe which was recovered in the shop behind the tills. I took further photos of the counter area and corner which I exhibit as RW/34 to RW/38.

A short time later I approached Keeley Ladlow and Cory Bailey who were stood to the front of the premises, they were having a conversation with the male who had previously stated that he had been locked inside the flat, Mr SDEIK. They were in the middle of a conversation, but I heard Mr SDEIK telling Keeley Ladlow that he had met someone in Pitsmoor but he didn't know who the person was, he was explaining that he needed work so had been to the cash and carry with him and then had been left in the flat without any keys.

I asked Mr SDEIK 'Have you been in the flat all day on your own?' he replied 'Yes, no-one here' I asked him if he had put any cigarettes down the tube in the corner of the room upstairs, he said 'No, I don't touch cigarettes'. Keeley LADLOW had told me that Mr SDEIK had explained to her that the person that took him to the cash and carry earlier in the day was someone he only knows as Mohammed. I was aware that the person working in the shop was called Mohammed, I asked Mr IBRAHIM to come outside. I said to Mr SDEIK, 'Is this the man who took you to the cash and carry' Mr SDEIK without looking said 'No'. I said, 'You've not even looked at him'. He looked up at Mr IBRAHIM and said that he did not know him. I asked Mr SDEIK if he knew how to contact the male who had put him inside the flat, he said that he didn't. I asked if Mr SDEIK had been paid for the work he had done, again he said not. I went back inside

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

SIGNED

WITNESSED

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the shop and asked Mr IBRAHIM if he knew the male outside, he replied 'No, talk to the owner of the shop please'.

Despite being at the premises for 2 hours and Mr JAWAD being contacted by telephone he did not attend whilst I was there. Shortly after this at approximately 12:50 hours I left the premises and returned to the Council Offices.



(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 5

Rachael Winstanley – Senior Licensing Enforcement Officer

Photo exhibits taken from visit to Ave Ferham Supermarket, 192 Ferham Road, Rotherham.

Date Photos taken: 22/09/2021



Exhibit: RW/1

Details: Photo taken of fridges.



Exhibit: RW/2

Details: Photo showing single cans

APPENDIX 5



Exhibit: RW/3

Details: Photo showing opened packs of cans



Exhibit: RW/4

Details: Photo showing opened cans on display.

APPENDIX 5

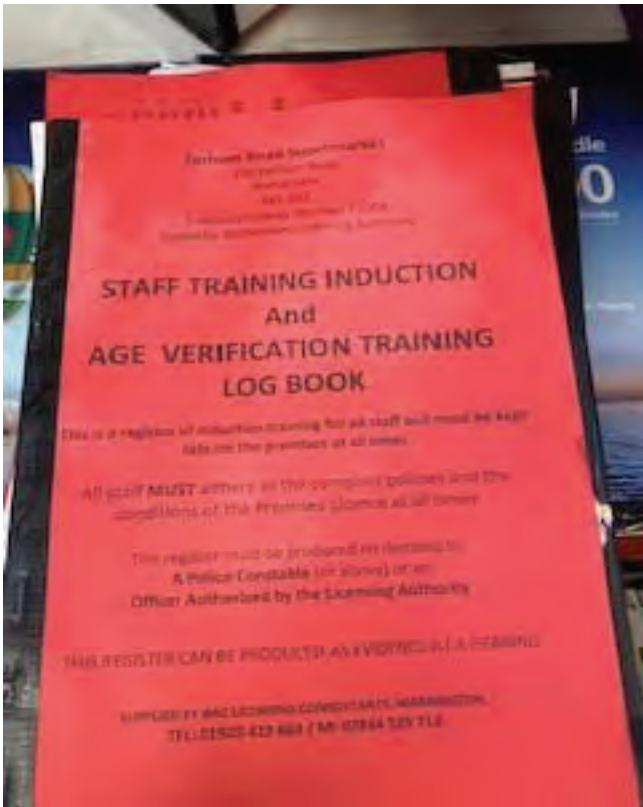


Exhibit: RW/5
Details: Photo of training log book.



Exhibit: RW/6
Details: Photo of blank training log book – Authorisation register .

APPENDIX 5

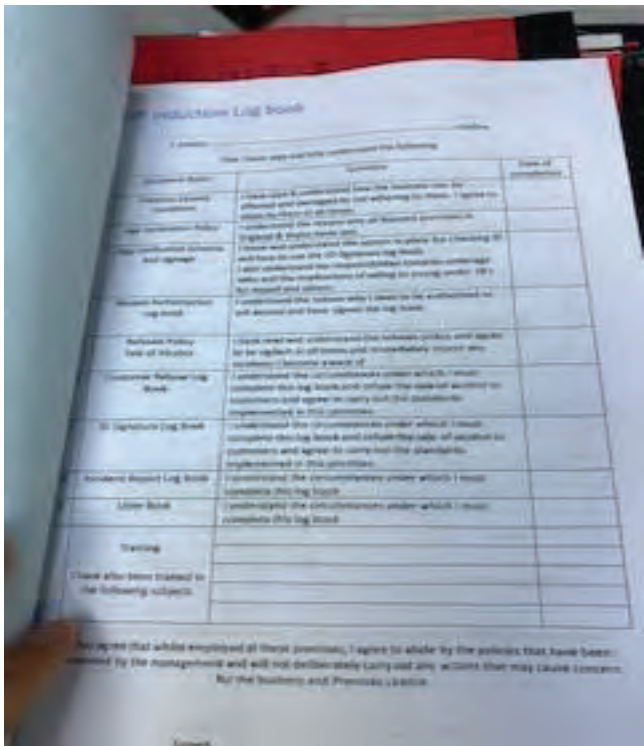


Exhibit: RW/7
Details: Photo of blank Induction log.

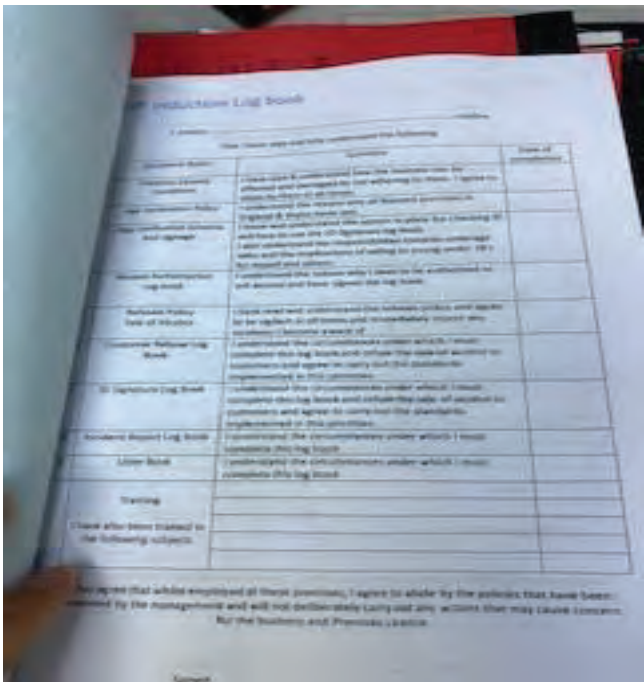


Exhibit: RW/8
Details: Photo of blank Induction log 2.

APPENDIX 5

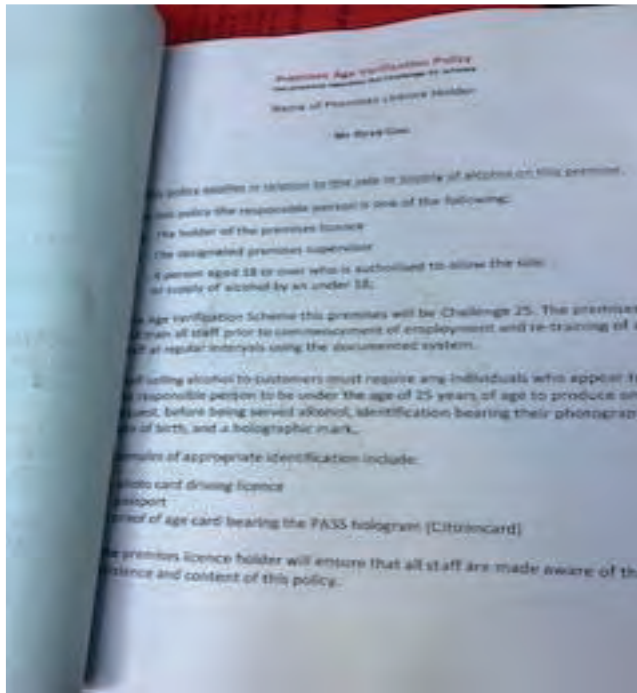


Exhibit: RW/9

Details: Photo of 'Age Verification Policy' in the name of Ilyas GUN

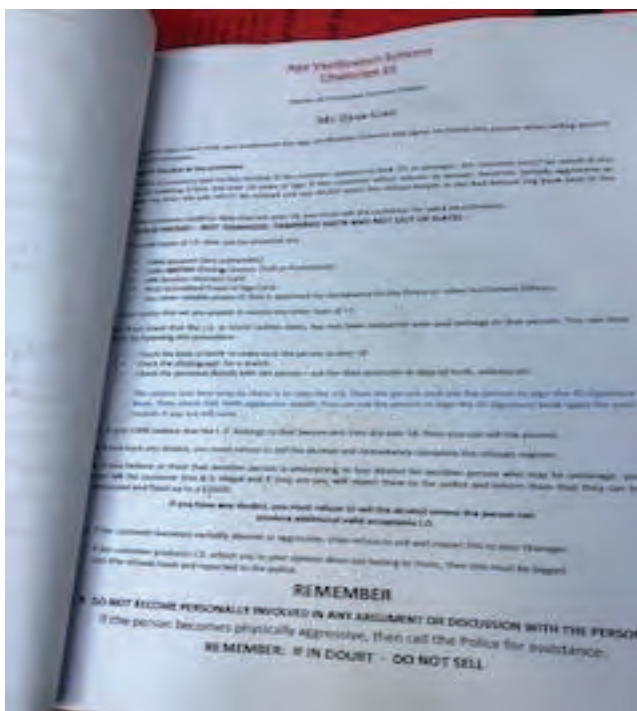


Exhibit: RW/10

Details: Photo of 'Age Verification Policy' in the name of Ilyas GUN 2

APPENDIX 5

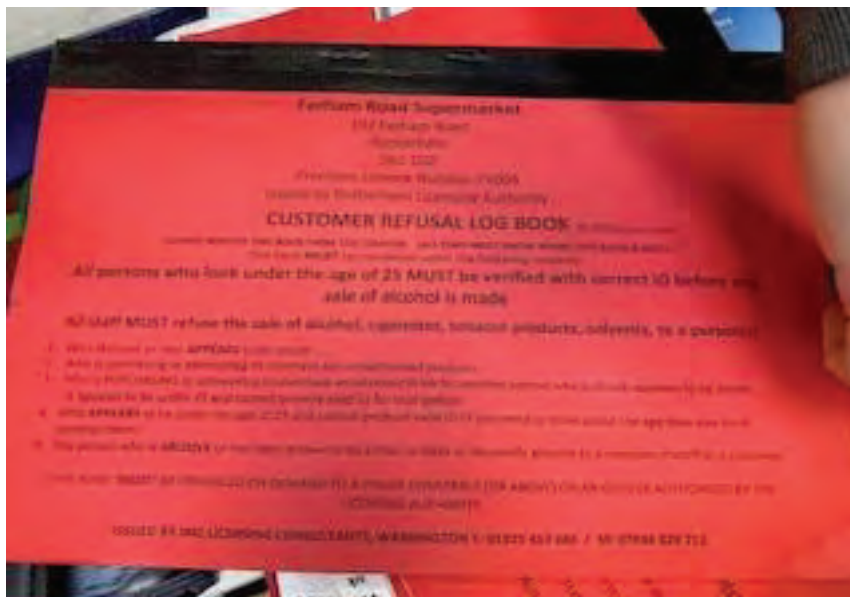


Exhibit: RW/11

Details: Photo of Customer refusals book



Exhibit: RW/12

Details: Photo of inside of refusals book.

APPENDIX 5

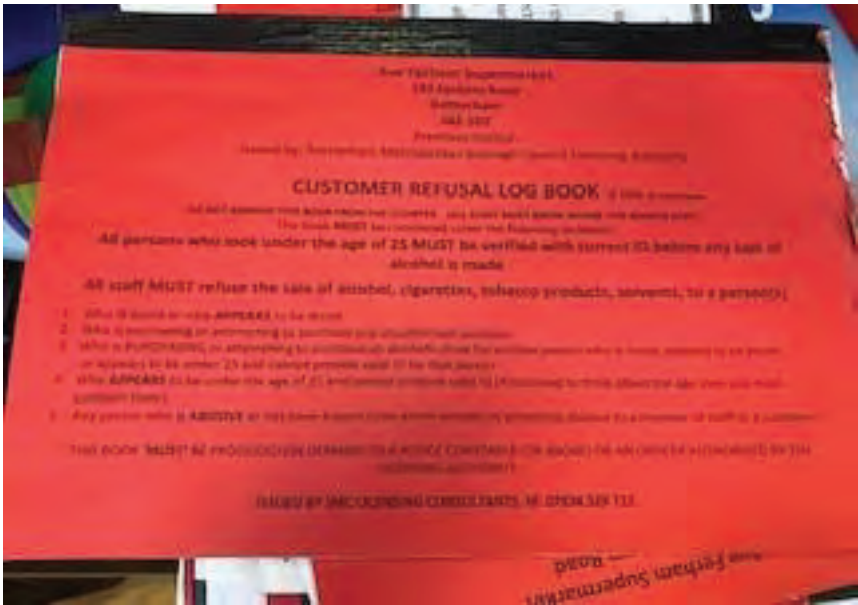


Exhibit: RW/13
Details: Photo of Customer refusals log book

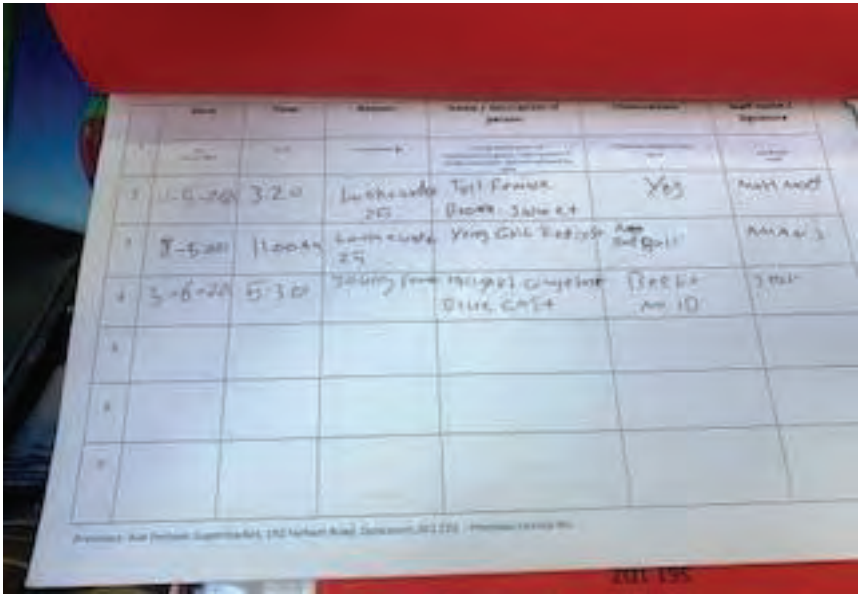


Exhibit: RW/14
Details: Photo of completed refusals book.

APPENDIX 5



Exhibit: RW/15

Details: Photo of notice.



Details: RW/16

Exhibit: Photo of Staff product training log book.

APPENDIX 5

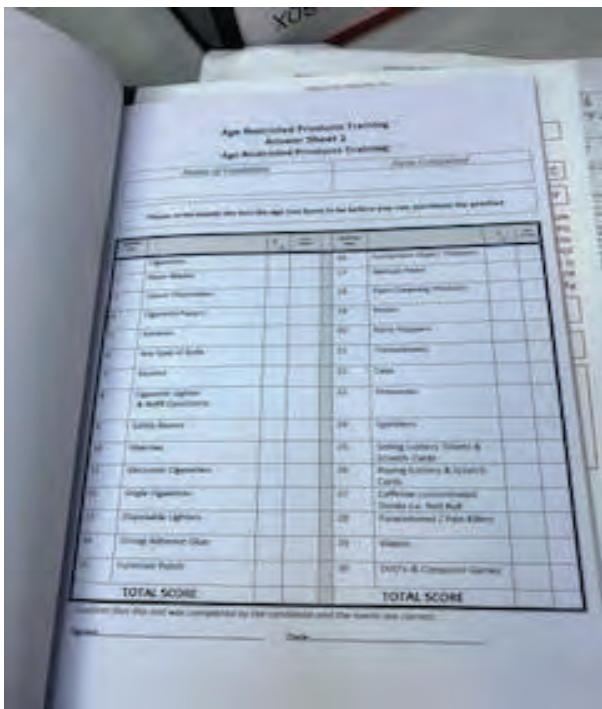


Exhibit: RW/17
Details: Photo of blank training log book

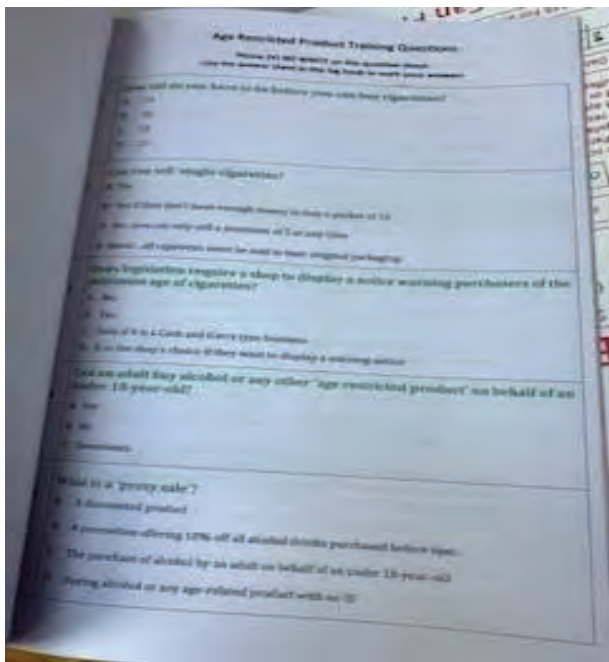


Exhibit: RW/18
Details: Photo of blank training questions page.

APPENDIX 5

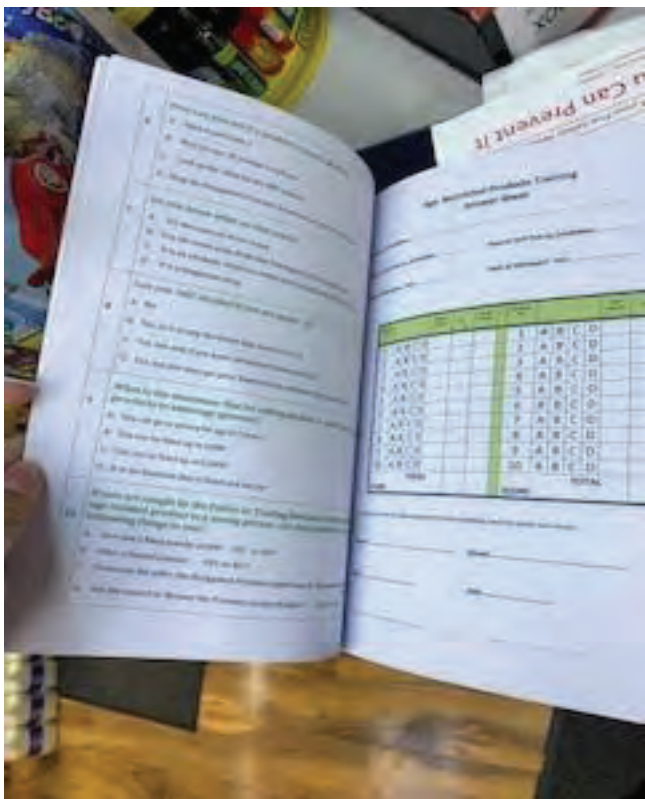


Exhibit: RW/19
Details: Photo of blank training questions page 2.

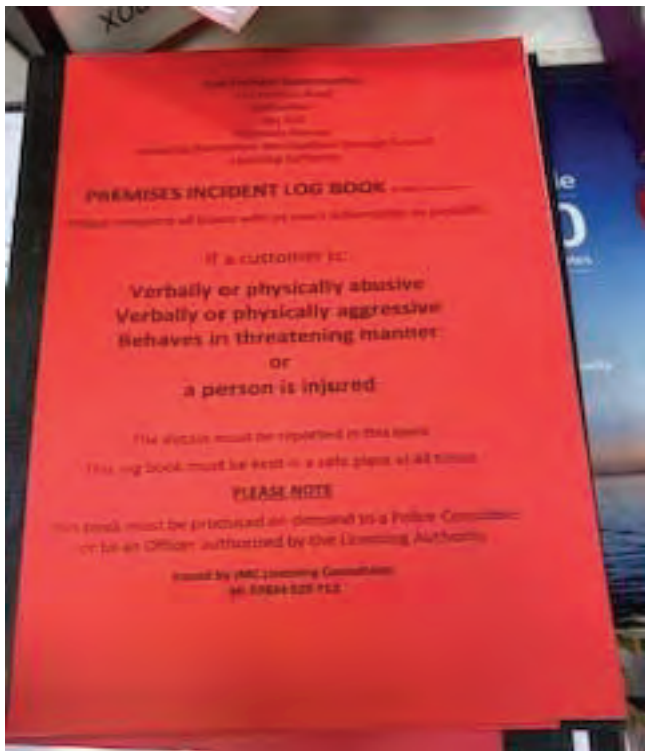


Exhibit: RW/20
Details: Photo of Incident log book.

APPENDIX 5

The image shows a blank incident report form titled "INCIDENT REPORT SHEET - BUL". The form is divided into several sections for recording details of an incident. At the top, there is a section for "Incident Details" with fields for "Date", "Time", and "Location". Below this, there is a section for "Witnesses" with a table for recording names and statements. The form also includes sections for "Description of Incident", "Action Taken", and "Remarks". At the bottom, there is a section for "Signatures" with fields for "Officer", "Witness", and "Supervisor".

Exhibit: RW/21
Details: Photo of blank incident report.

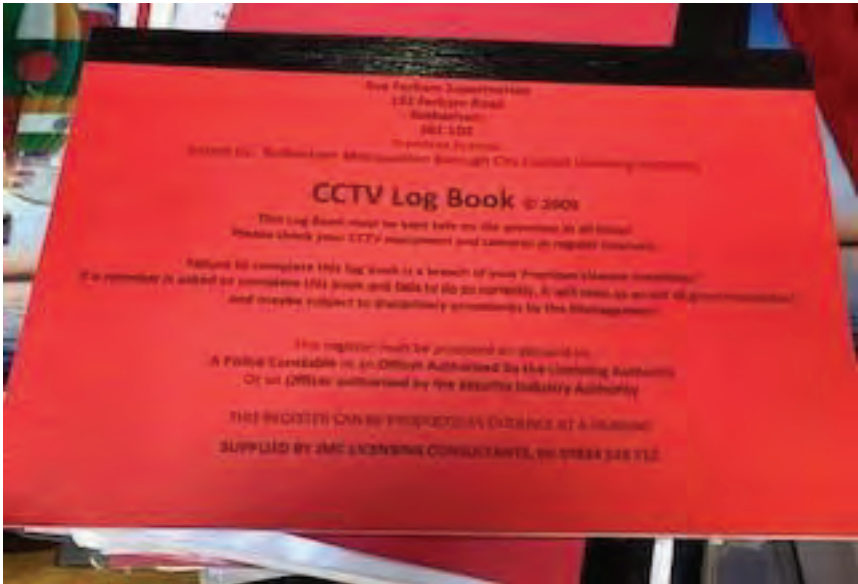


Exhibit: RW/22
Details: Photo of CCTV log book.

APPENDIX 5

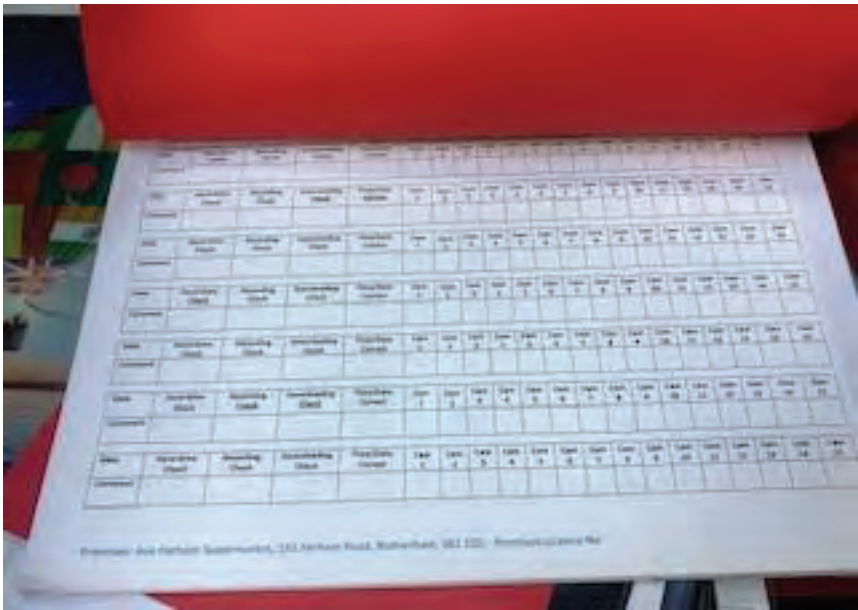


Exhibit: RW/23
Details: Photo of blank CCTV log book.

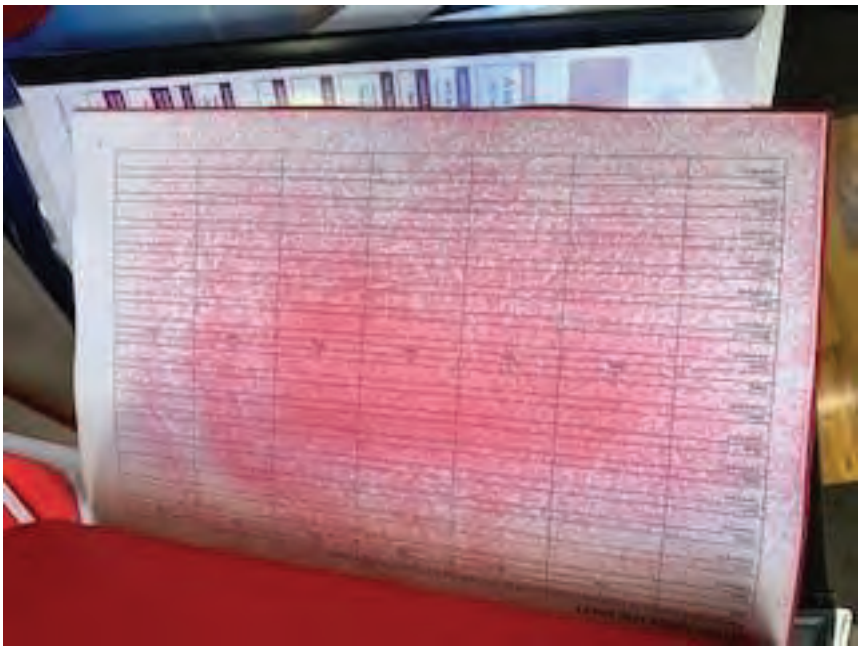


Exhibit: RW/24
Details: Photo of blank CCTV log book 2.

APPENDIX 5



Exhibit: RW/25
Details: Photo of second Incident log book



Exhibit: RW/26
Details: Photo of blank incident log book.

APPENDIX 5

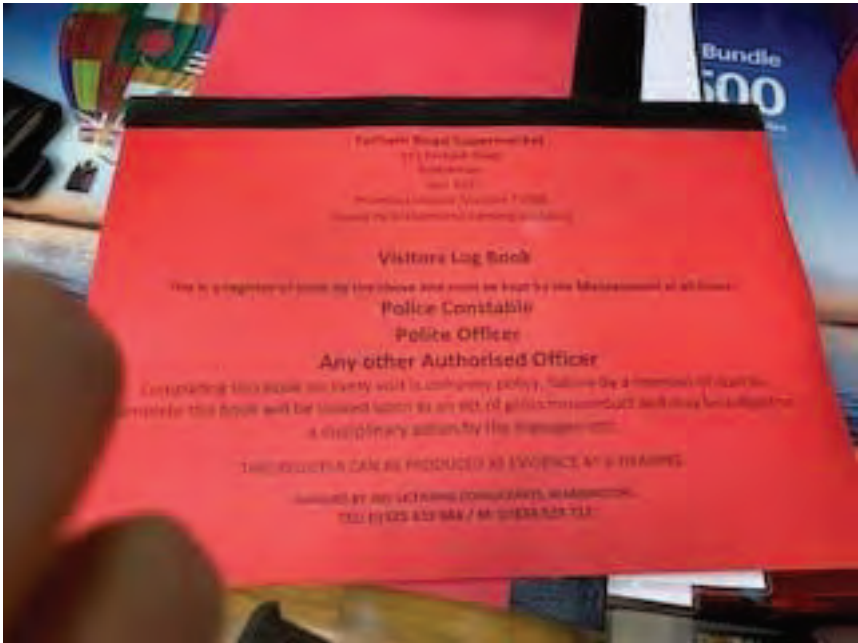


Exhibit: RW/27
Details: Photo of Visitors log book



Exhibit: RW/28
Details: Photo of blank visitors book

APPENDIX 5

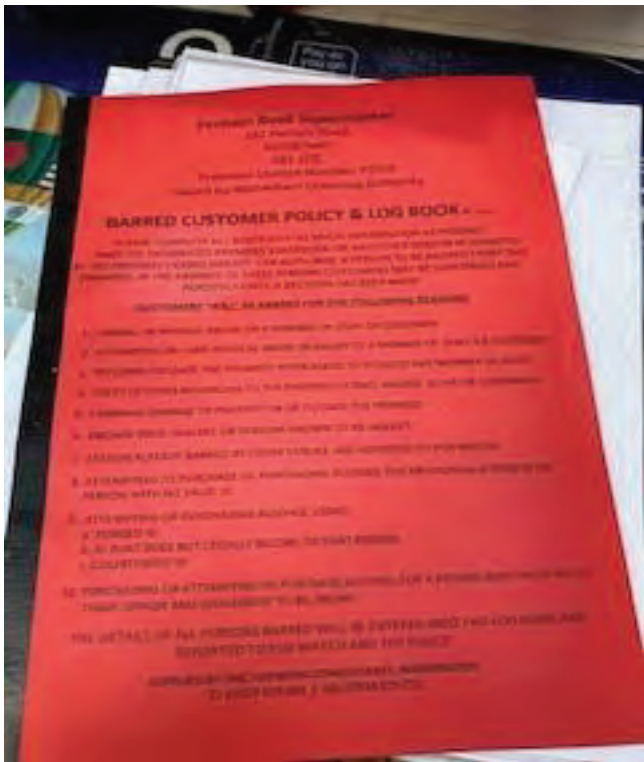


Exhibit: RW/29
Details: Photo of barred customer policy and log book.



Exhibit: RW/30
Details: Photo of blank barred customer log sheet.

APPENDIX 5



Exhibit: RW/31

Details: Photo of outside unit to the rear of the premises.



Exhibit: RW/32

Details: Photo of corner of showing floor board lifted and hole.

APPENDIX 5



Exhibit: RW/33

Details: Photo of room



Exhibit: RW/34

Details: Photo of corner of the shop under to shelves, showing mop directly under to hole.

APPENDIX 5



Exhibit: RW/35

Details: Photo of hole from underneath.



Exhibit: RW/36

Details: Photo of corner behind tills.

APPENDIX 5



Exhibit: RW/37

Details: Photo of behind the counter.



Exhibit: RW/38

Details: Photo of counter area of shop.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

WITNESS STATEMENT

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

Statement of: Rachael Winstanley

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

Occupation: Senior Licensing Enforcement Officer

This statement (consisting of 5 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 8th day of September 2021

Signature

Witness

I am the above named person and I currently work for Rotherham Metropolitan Borough Council as Senior Licensing Enforcement Officer, I work from Riverside House, Main Street, Rotherham. I have been employed as an enforcement officer at RMBC since June 2016, my duties include dealing with and investigating complaints relating the Hackney Carriage and Private Hire Drivers, vehicles, and Operators, and inspecting and dealing with Licensed premises.

This statement refers to visits that I undertook at Ave Ferham Supermarket Ltd, 192 Ferham Road, Rotherham.

The premises had been granted a premises licence on 31st March 2021 to sell alcohol for consumption off the premises, the licence holder and DPS Mr Amanj Jawad had agreed to several conditions that had been added to the premises upon the granting of the licence. Before this the premises had held a licence, again for consumption off the premises, this licence was revoked by the licence Sub-Committee on the 8th July 2019.

I was aware that previous to my involvement in the premises Keeley Ladlow had visited in October 2020, at which time she saw that alcohol was being displayed for sale at the premises without a 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

On Tuesday 20th April 2021 at 13:30 hours I attended 192 Ferham Road with Keeley Ladlow, the Principal Licensing Office at RMBC and Lisa Underwood-Parkin, a Licensing Enforcement Officer at RMBC. I wanted to ensure that the premises were operating in line with the conditions attached to the licence and upholding the licensing objectives. At the premises was a male who was working behind the counter in the shop, he gave his details as Mr Muhammad IBRAHIM of 212 Lindsay Avenue, S5 7SG dob 19/09/1986, he provided his driving licence as proof of ID. At 13:37 Mr Ibrahim called the DPS Mr Jawad and told me that he would not be long.

Whilst I was speaking to Mr Ibrahim, Keeley was inspecting the premises, whilst we were waiting for Mr Jawad to arrive Keeley advised me that she could see that the at the premises they were displaying for sale single cans of cider and lager and also that some of the lager contained 6% ABV, in breach of conditions 8 and 9 on the licence.

Annex 2 conditions 8 states 'The premises licence holder shall that the premises do not stock, display or sell beer, lager or cider with an alcohol content of 6.0% ABV or greater.

Annex 2 condition 9 states 'The premises must not sell or display for sale single containers of beer, lager or cider of any alcohol content.

Annex 2 condition 10 also states 'The licence holder shall not permit customers to open multipacks of beer, lager or cider (of any alcohol content) for individual sale.

I walked around the premises and could see single cans of Perla Pils at 6% ABV, ZUBR at 6% ABV, single cans of Stella, Budweiser. I also saw a 4 pack of Red Stripe that had 2 cans taken out and the remaining 2 cans still in the plastic on the shelf. I could also see from looking around the shop that there were cans of alcohol scattered in between the tins and non-alcohol products. Keeley also pointed out that they had big bottles of cider mixed in with the soft drinks on the floor in front of the fridges that the alcohol was stored in.

Annex 2 condition 11 states 'The licence holder shall ensure that products containing alcohol must be displayed for sale in an area designed specifically for that purpose and separated from other shop items that are marketed towards children.

At 13:49 hours Mr Jawad arrived, I explained our reason for the visit and cautioned Mr Jawad as I was conscious that offences under the Licensing Act 2003 may come to light. Mr Jawad asked if he could be interviewed at a set time and date, I said that he could however I needed to point out any breaches of the licence conditions so that I could check his understanding of the conditions and also to ensure that going forward he was not in breach of any of the conditions.

I asked Mr Jawad about (Annex 2) condition 8 on the licence which refers to not stocking, displaying, or selling alcohol with alcohol content 6% or over. I asked 'Have you read the conditions' to which he replied 'Yes its over 6' I said 'Who told you it was over 6, it is 6% or over' he replied 'no one said' I read the condition out and reiterated that it was 6% or over. It was evident that Mr Jawad had not understood the condition.

I asked Mr Jawad about condition 9 of the licence and read the condition out, Mr Jawad said 'They came in a box of 24', he explained that that is the only way that he can purchase them at the cash and carry and therefore has to display them separately. I

(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 5

asked about the 4 pack of Red stripe which 2 had been removed, he said the other 2 must have been fallen out and he would have put the damaged two in the bin and the remaining 2 back on the shelf. I advised Mr Jawad that he could not sell beer, lager or cider in single cans and that they needed to be bound together so that they were not on display in single cans. Mr Jawad stated, 'We are not selling any single cans.'

I read out condition 11 which refers to alcohol being on display in a specific area and not mixed in with products targeted towards children. I explained that in my opinion having bottles of cider mixed in with soft drinks is contravening this condition. Mr Jawad said, 'this was a mistake – I just cleaned it all out last night', he explained that he didn't have a storeroom and had nowhere else to put them. Mr Jawad then started saying 'I know you don't like me, I'm trying my best' I explained to Mr Jawad that it wasn't that I didn't like him, I needed to ensure that he was complying with the conditions on his licence and that he was upholding the licensing objectives. I explained that all the conditions that I was reading out and on the licence were conditions that he had agreed to.

I was aware that Keeley Ladlow was taking photos of the alcohol which evidenced the breaches discussed.

I asked if I could look at the CCTV as this is another condition on the licence and I wanted to see if single cans had been sold, Mr Jawad stated 'No I wouldn't do that I wouldn't risk my licence, not in a million years would I sell' Mr Jawad was looking at footage from 12/4/21 I asked him to burn footage off between 17:45 – 18:45 which he said he would do for me but could not do immediately.

I then asked Mr Jawad about (Annex 2) Condition 15 on the licence which states 'The licence holder shall ensure that an incident log must be kept at the premises. Mr Jawad did eventually find the incident log behind the counter although it was empty, although he had told me that there had been 2 incidents the previous week regarding someone being underage. Mr Jawad stated that he did have a refusal register and did produce this however this was also empty.

Mr Jawad showed us a 'Staff Product Training Log' book which was empty and a CCTV logbook that was also empty. Annex 2 condition 13 states 'the licence holder must maintain and register that contains the following details. A), full name and date of birth of the person responsible. B) The training that they had received. C) The date the training was provided. D) Who the training was provided by. E) The method that the training was assessed. I could not see that Mr Ibrahim had been added to any such register. I asked Mr Jawad if he had trained his staff in the responsible sales of alcohol, he said that they had not sold much alcohol but then stated that Mr Ibrahim had been trained.

Annex 2 condition 14 states 'The licence holder shall ensure that the personal licence holder or responsible person must carry their personal licence or other photo identification at all times whilst working on the premises – and this must be produced on request by an authorised person. Although Mr Ibrahim was not a personal licence holder he was identified as the nominated person and did produce his driving licence for inspection.

I advised Mr Jawad that he needed to make himself familiar with all the conditions on his licence and ensure that he was adhering to them all. I advised that I would be in contact to collect the CCTV and arrange a further visit to ensure that the issues had been

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SIGNED

WITNESSED

rectified.

Mr Jawad provided the footage requested from the 12th April and I viewed it on the 9th June 2021. I noticed that there were gaps in the footage, so the first clip was approx. 17:45:28 to 17:48:44 and then the next clip begins 17:57:13 to 17:57:53 so there is a gap of about 8 minutes where there is no footage. This was regular throughout the footage. I emailed Mr Jawad to make him aware of the error as (Annex 2) Condition 6 stated that the CCTV should be continually recording during licensable hours.

On the 9th June 2021 at approximately midday, I again attended Ave Ferham Supermarket, 192 Ferham Road along with Lisa Underwood-Parkin, Licensing Enforcement Officer. When we arrived Mr IBRAHIM was again at the premises, I noticed that the inside of the premises had been tidied up, the alcohol had been separated from any items marketed towards children – as per Annex 2 Condition 11.

I looked over the Annex 2 conditions to check that they were being adhered to. Conditions 1-7 relate to the CCTV which I could see was in working order.

Annex 2 Conditions 8 states 'The premises licence holder shall that the premises do not stock, display or sell beer, lager or cider with an alcohol content of 6.0% ABV or greater. I could not see that any alcohol 6.0% or greater was being sold.

Annex 2 condition 9 states 'The premises must not sell or display for sale single containers of beer, lager or cider of any alcohol content. Although not to the extent of my previous visit I could still see single cans of lager on the shelf.

Annex 2 Condition 10 relates to customers not being permitted to open multipacks for individual sale – this was not a condition that I could check was being adhered to.

Annex 2 Condition 12 states that the licence holder shall ensure that a personal licence holder or named responsible person must be on site to carry out licensable activity and must have the appropriate training – no training records could be found.

Annex 2 Condition 13 states that a register must be maintained with details of the responsible person – this could not be located, Mr IBRAHIM believed that Mr JAWAD may have taken this in the car with him.

Annex 2 Condition 15 relates to the incident log – no log could be located.

Annex 2 Condition 14 and conditions 17, 18, 19, 20, I was happy were being adhered to.

Annex 2 Condition 21 states that the licence holder shall ensure that the outside area is monitored, Mr IBRAHIM stated that he checks this through the CCTV. Annex 2 Condition 22 & 26 could not be checked during the visit due to the nature of the conditions.

Annex 2 Condition 23 relates to the refusals log which could not be located. Conditions 24, 25 and 27 I could not see any evidence that these were being adhered to. Annex 2 Condition 28 states that Challenge 25 signage shall be displayed which they were.

We left the premises shortly after arriving but when I arrived back at the office, I realised

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

SIGNED

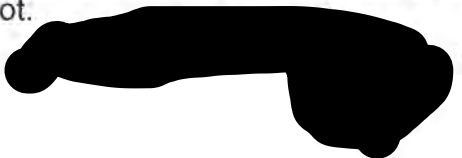
WITNESSED

APPENDIX 5

that I could not recall if the Premises Licence Summary was on display so intended to return following some other appointments that I had that afternoon.

At 16:35 hours on the same date 9th June 2021 I returned to 192 Ferham Road, Rotherham. I was met by a male that I had not met before, who gave his details as Mr Heewa SOFI, dob 01/01/1974. He provided his address as number 46, postcode S13 1PD – however I cannot locate this address.

Mr SOFI did not have any ID on him and confirmed that he was not a personal licence holder – contravening Annex 2 Condition 14 of the licence. There was no register or log to state that he had been left as the responsible person and he was not aware of a refusals register, incident log or training records, Mr SOFI said that Mr JAWAD may have got the refusals book. I asked Mr SOFI about what training he had had in relation to the sale of alcohol in the shop, he said that he knew not to sell to young people and not to sell single 'beers' and that he wouldn't server someone who was drunk, when asked about underage sales he said that he would ask for ID and would refuse if they didn't have or were underage however there was no-where that he could record this refusal. I asked Mr SOFI if he had any training, he said that he had ran a shop in Barnsley, I asked if he had had any specific training in relation to 192 Ferham Road to which Mr SOFI said that he was just helping, I said had a record of any training been written down, Mr SOFI said not.



(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 5

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

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

This statement, consisting of.....4..... 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...15th..... day of.....June.....2021

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 and latterly the Principal Officer since 2015 and was previously a Police Community Support Officer, my duties include liaising with Hackney Carriage and Private Hire Drivers, overseeing investigations concerning Private Hire and Hackney Carriage Drivers, vehicles, Private Hire Operators and licensed premises.

On Tuesday 20th April 2021 I attended a premise I know as Ave Ferham Supermarkets Ltd located in a shop premises occupying 192 Ferham Road, Rotherham.

I visited the premises in the company of Senior Licensing Enforcement Officer Rachael Winstanley and Licensing Enforcement Officer Lisa Underwood – Parkin. A premises licence was granted for the premises on 31st March 2021 providing the permissions to sell alcohol for consumption off the premises, during the 28-day consultation the premises licence holder agreed numerous conditions with the Licensing Authority to uphold the licensing objectives.

The premises previously had the permissions of a premises licence for the sale of alcohol for consumption off the premises however this was revoked at a meeting of the Licensing Sub – Committee on 8th July 2019.

The current premises licence holder and Designated Premises Supervisor is Mr Amanj Jawad – he submitted an application for a premises licence following a visit I carried out at the premises in October 2020 during which I evidenced the premises were displaying alcohol for sale without a premises licence being in place. Mr Jawad was the manager of the premises at the time of the visit and due to concerns raised relating to the upholding of the licensing objectives - during the consultation the premises licence was conditioned to ensure all four objectives were upheld.

The conditions were proposed by me during the consultation period were fully explained to Mr Jawad and he agreed to them being added onto the premises licence. At the time Mr Jawad had sought the advice of Mr Tony Clarke a licensing consultant who liaised with me and agreed to the conditions. During the consultation process Alan Pogorzelec, Licensing Manager, was involved in discussions with both Mr Jawad and Mr Clarke – I am aware of an email which was sent to Mr Pogorzelec by Mr Clarke agreeing to the conditions.

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

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

The purpose of the visit on 20th April was to ensure the premises were operating in accordance with the conditions on the premises licence. Having arrived at the premises at approximately 13.30hrs one male was behind the counter and was alone at the premises. This male stated he was a member of staff and spoke further with Miss Winstanley providing his details to her.

Whilst Miss Winstanley was speaking with this staff member, I looked at the large fridge located on the right side of the premise as you walk in. It was immediately apparent that the premises were displaying for sale single cans of lager and cider – an annex 2 condition on the premises licence prohibits the display and/or sale of single cans of beer lager and cider of any ABV.

Several different varieties of alcohol were stocked on the shelves individually, furthermore there were multipack cans bound together which had single cans missing from the pack.

Upon further investigation of the cans I identified lager on display for sale that was 6% ABV – an annex 2 condition on the premises licence prohibits the display and/or sale of beer lager and cider of 6% ABV and above.

I photographed the fridge including both the single cans and cans that contained 6% ABV alcohol and exhibit these images as KLL/1.

At the bottom of the fridge on the floor were bottles of soft drinks spanning the entire length of the fridge – I identified large bottles of cider mixed in with the soft drinks on the floor. Many of these soft drinks would attract children and the alcohol mixed in with this on the floor was within easy reach of any child. I took a series of photographs of this which I exhibit as KLL/2.

I walked around the premises with Mrs Underwood – Parkin and identified alcohol placed on random shelves throughout the premises mixed in with general store goods. A tray of cans of premixed Jack Daniels and Coke were located on a shelf of energy drinks that was below bottles of mayonnaise and ketchup. The shelf below this contained Calypso drinks which are marketed towards children.

Adjacent to this on the bottle shelf on the right of the Jack Daniels cans was a large multipack of Foster lager again this was mixed in with soft drinks and was underneath a box containing children's Chupa Chups cartons.

On the end of one of the aisles hangs several packets of sweets and chocolate peanuts beside these on the floor were two boxes of corona, several boxes of Fosters lager, single cans of Carlsberg and multipack bottles of San Miguel.

The premises licence has an annex 2 condition which states that the licence holder shall ensure that products containing alcohol must be displayed for sale in an area specifically designed for that purpose and separated from other shop items that are marketed towards children.

I took a series of images of these shelves which I exhibit as KLL/3.

Mr Jawad arrived at the premises at approximately 13.45hrs and began to discuss the premises. Due to the likelihood that prosecutable offences may be disclosed, and admissions may be made Miss Winstanley cautioned Mr Jawad at 13.55hrs.

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

Witness Statement

(Criminal Procedure Rules, r27.2;

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

APPENDIX 5

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

I was present beside Miss Winstanley whilst she spoke with Mr Jawad – he was asked to explain the strength of beer and lager that was on the shelves and accepted that some of the cans were of 6% ABV. Mr Jawad stated he must have misunderstood the condition on the premises licence.

Mr Jawad was asked why single cans of lager beer and cider were on display for sale which was in breach of a condition on the premises licence. Mr Jawad stated that the cans came in a box of 24 single cans and had been like this at the time he had purchased them from the cash and carry. Mr Jawad added that as he had purchased them in single cans, he had no option but to put them on the shelves as single cans.

I asked Mr Jawad why a clearly bound pack of 4 red stripe cans was missing two of the four cans – he stated that two of the cans broke when they were accidentally dropped on the floor and the alcohol was leaking out of them. He further stated that due to this he removed the two damaged cans throwing them away but placed the remaining two cans back on the shelf.

Mr Jawad was asked if the premises had sold single cans of beer lager or cider to any person and he stated that they had not. When asked what he would do if a customer asked for a single can or took one of the single cans to this till he stated he would inform them they had to buy a multipack – although there was no multipack of several of the varieties.

Mr Jawad was asked why large bottles of cider were mixed in with soft drinks on the floor of the premises in front of the fridge and he stated that the cider was on the shelf the day before but he had taken it off to clean the shelves. All the shelves were full of either alcohol, soft drinks or food – I could not find any location in which the cider had previously been or was being put back to.

Mr Jawad was asked to play footage from the CCTV system for the 12th April at 17.45hrs – Mr Jawad stated he could work the system however the hard drive was located within the ceiling so would find it difficult to change the date and time for playback. Reluctantly Mr Jawad agreed to attempt to show us the footage and located the 12th April – due to the screen for playback being on top of the tall fridge and lighting in the premises it was very difficult to view the footage accurately. Therefore Mr Jawad was asked to burn the footage onto disc or download the footage depending upon the system he had installed – he stated that he could not download the footage immediately as he had nothing to download the footage onto and would need a few days to obtain the footage. Due to there being no other way of viewing the footage this was agreed to by Miss Winstanley.

Mr Jawad was asked to produce the premises incident book – he searched behind the counter advising us that he had one somewhere before adding that there was nothing recorded into it yet. Mr Jawad further stated that there had been an incident at the premises describing it as happening 'last week' but he had not put it in the book yet. The premises licence has an annex 2 condition to have an incident book and to record all incidents within it.

Mr Jawad was asked to produce the refusals/challenge register again he searched underneath the counter stating he had one – Mr Jawad further stated that there was nothing in this book yet either although there had been two refusals and he needed to write them in but hadn't gotten around to it. The premises licence has an Annex 2 condition to have a refusals register which must be completed.

Mr Jawad was asked to produce the staff training register – he showed myself and Miss Winstanley a register to record staff training however it was blank. Mr Jawad was asked whether he had trained his staff in the responsible

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

Witness Statement

(Criminal Procedure Rules, r27.2;

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

APPENDIX 5

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

selling of alcohol and stated "WE HAVEN'T SOLD MUCH ALCOHOL." When asked again if staff members had been trained Mr Jawad stated no adding that a man has a list of his staff who require training. Mr Jawad did say the staff member present during our visit had been trained – when asked who had trained him Mr Jawad replied, "NO COMMENT." Then adding I have to train them I know that.

The staff member who had been alone when we had arrived at the premises confirmed he was not a personal licence holder – an annex 2 condition on the premises licence states that the licence holder shall ensure that a personal licence holder, or a named responsible person, must be present on site at all times that the premises are carrying out licensable activity. The named responsible person must have received appropriate training and have been assessed as competent in matters related to:

- a. the prevention of age restricted sales,
- b. operation of the Challenge 25 scheme,
- c. the responsible sale of alcohol, and
- d. the practical application / implementation of any conditions that are attached to the premises licence.

In addition to this a further condition states that the premises licence holder must maintain a register that contains the following details:

- a. The full name and date of birth of the responsible person,
- b. The training that they have received,
- c. The date that the training was provided,
- d. Who the training was provided by,
- e. The method by which competency was assessed.

Mr Jawad accepted this member of staff was not a personal licence holder but described him as the nominated responsible person. This staff member however had received no training that could be evidenced on any of the points referred to above.

Mr Jawad was asked to produce the register containing the details above however accepted that there was no register in place.

A further annex 2 condition states the licence holder shall ensure that prominent, clear and legible signage shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly. No signage was visible and when asked Mr Jawad produced a number of signs from behind the counter stating he was getting around to putting them up and would do so.

The visit was concluded at this point, I have made no subsequent visits or had any subsequent contact with Mr Jawad. I am aware Miss Winstanley and Mrs Underwood – Parkin carried out a subsequent visit to the premises to ascertain whether the issues had been rectified on Wednesday 9th June 2021. [REDACTED]

SIGNED..... [REDACTED] WITNESSED.....

APPENDIX 5

Statement of Teresa Kenny

On behalf of the claimant

Dated 24th September 2020

IN THE SHEFFIELD COUNTY COURT

Claim No.

Between:

ROTHERHAM BOROUGH COUNCIL

Claimant

And

Defendant

AV, 192 Ferham Road


WITNESS STATEMENT OF Teresa Kenny

1. I am a Police Constable serving with South Yorkshire Police, currently Posted in the Anti-Social Behaviour unit with Rotherham Borough Council.
2. As part of my role I carry out Test Purchasing of off licence premises for sales of alcohol to underage children.
3. On Friday 17th January 2020 a Test Purchase Operation was carried out using 2 female volunteers as Test Purchasers. I can identify them as HR who is 15 years old and JJ who is 16 years old.
4. At 17.58pm the same day HR/1 and JJ/1 entered 192 Ferham Road , Rotherham which at the time the signage displayed said was called "FERHAM SUPERMARKET"
5. JJ purchased a bottle of Pink WKD. She confirmed she had not been asked for any ID or how old she was.
6. On Thursday 27th August 2020, a further Test Purchase Operation was conducted. This time the volunteers HR/1 who is now aged 16 years and ET/2 who is 17 years old.
7. At 17.56m the same day HR/1 and ET/2 entered 192 Ferham Road, the signage now displayed the signage AV Ferham .

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8. ET2 purchased a bottle of Orange VK. She was asked for ID and told the male serving she did not have any. She then completed the sale and left the shop with the purchase.
9. Outside the shop she relayed the circumstances of what had occurred inside the shop and identified the male who had sold her the alcohol to PC Nile and PC Stirling.
10. PC Stirling entered the store and issued Hoi Ibrahim, 1/1/1985, with a fixed Penalty Notice for selling alcohol to an under aged person.
11. I believe the contents of this statement to be true and I understand it may be placed before the court as evidence.

Signed  Pc2255 Date 24/9/20

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APPENDIX 5**WITNESS STATEMENT***(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

URN

Statement of

Age if under 18 ^{ET} ~~Over 18~~ 17 (If over 18 insert "over 18")

Occupation: ...School Child...

This statement (consisting of .1. page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature

(witness)

Date: 10/9/20.

Tick if witness evidence is visually recorded

☐

(supply witness details on rear)

I live at an address known to South Yorkshire Police and I am a Test Purchase Volunteer within the South Yorkshire Police. I am 17 Years of age, born

have participated in a number Test Purchase Operations over the last two years and the URN ET2 identifies me.

On Thursday 27th August 2020, I attended at Riverside House, Rotherham and was briefed in relation to a planned test purchase operation namely for the purchase of alcohol from off licensed premises. Pc Kenny holds a photographic image taken of my appearance at that time.

At 17.56pm the same day, I entered AVE Ferham, Ferham Road, Rotherham in company with another test purchaser identified by the URN HR1. PC Nile was with us acting as observer.

I purchased a bottle of Orange VK for £2.79. I was asked for identification and I told the male serving me I didn't have any. I left the store with my purchase, which I gave to PC Nile. I then identified the male who had sold me the alcohol to PC Nile and PC Stirling and informed them of what had happened in the premise.

I took no further part in this matter

Signature:

Signature Witnessed by:

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