

APPENDIX 3

Rotherham Metropolitan Borough Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I **Jo Belton, Rotherham Police Licensing Officer, on behalf of the Chief Constable of South Yorkshire Police**

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description 88 Cambridge Street, Clifton,	
Post town Rotherham	Post code (if known) S65 2ST
Name of premises licence holder or club holding club premises certificate (if known) Mr Ilyas Nishat	
Number of premises licence or club premises certificate (if known) PO858	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

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

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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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Name and address

**Chief Constable of South Yorkshire Police
c/o Jo Belton
Rotherham Police Licensing Officer
Riverside House,
Main Street,
Rotherham,
S60 1AE**

Telephone number (if any)

01709 832154

E-mail address (optional)

Jo.Belton@southyorkshire.police.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 | <input checked="" type="checkbox"/> ✓ |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> ✓ |

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

This application, made under Section 51 of the Licensing Act 2003, seeks to review the Premises Licence issued to Mr Ilyas NISHAT in respect of the premises known as Rotherham's Best situated at 88 Cambridge Street, Clifton, Rotherham, S65 2ST.

Mr Nishat has held the Premises Licence since 1st October 2020, and the current Designated Premises Supervisor (DPS) is Mr Nishat Burhan, a position he has held since March 2020.

The Premises Licence authorises the sale of alcohol, for consumption off the premises, on every day of the week between 10:00 hours and 22:00 hours.

The application is made on the grounds that, Mr Nishat, the Premises Licence holder has failed to promote three of the licensing objectives, namely, the:

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

Police Officers have evidenced breaches of the Premises Licence conditions on three recent occasions and on 4th May 2024 alcohol was sold to a 17 year old test purchaser.

The Licence holder, Mr Nishat, has a history of non-compliance with the conditions of the Premises Licence, all of which are necessary to promote the licensing objectives.

Police and Council Licensing Officers have previously made every effort to work with Mr Nishat to achieve compliance. Lengthy and repeated visits have been undertaken alongside written warnings and notices to improve. When this failed to bring about compliance the Licensing Authority sought a review of the Licence, which resulted in the Licence being revoked.

Mr Nishat succeed in retaining the Premises Licence on appeal to the Magistrates Court. However, the Magistrates recognised the need for management control conditions, imposing 10 conditions on the Premises Licence via a consent order on 3rd August 2023.

Recent evidence support the fact that Mr Nishat is unwilling, or unable, to manage the shop in a manner that promotes the licensing objectives, continues to operate in breach of the Premises Licence conditions, and is failing to promote the licensing objective of preventing crime & disorder and protecting children from harm.

All steps to assist Mr Nishat to achieve compliance have been exhausted. Given this it is **the recommendation of the Chief Constable of South Yorkshire Police is that the Premises Licence is revoked.**

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

On 15th May 2024 Police Officers visited the shop with the objective of reviewing recordings from the CCTV system installed at the premises. Officer found that the CCTV system was not working, and no recordings were available to view. This demonstrates a failure to promote the licensing objective of preventing crime & disorder and noncompliance with the following condition of Annex 3 to the Licence, all of which were imposed by the Magistrates:

Condition 8.

The premises shall install a CCTV system at the premises which has 30-day recording and retrieval and be capable of downloading onto a portable storage device such as DVD or memory stick. The CCTV cameras shall cover the entirety of the premises, including the till area where payment is made for alcohol.

Condition 9.

The location of the monitor to allow playback and retrieval of data shall be located in an area which is easily and safely accessible to Police Officers and Local Authority Officers. At least one current staff member shall be trained in the use of the system to ensure rapid data retrieval and download is retrieved should it be required by a Police Officer or Council Officer.

Condition 10.

The Police and authorised Local Authority officers will be given unhindered access to the CCTV system as soon as is reasonably practicable for them to take copies of the images in connection with the prevention and detection of crime and disorder.

On the 30th May 2024 the Police Licensing Officer attended the shop and conducted a licensing compliance inspection, during which it was noted that the premises were operating in noncompliance conditions 8, 9 and 10 (as detailed above), together with the following conditions of Annex 3:

Condition 2

Notices advertising that the premises operate a "Challenge 25" scheme shall be displayed in a clear and prominent position at the retail premises entrance and at the till area.

Condition 3.

All staff who are to be involved in the sale of alcohol shall be trained in the prevention of sales to underaged persons, and the challenge 25 scheme in operation at the premises.

Condition 4.

A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name, the trainer's name, the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.

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Condition 5.

An alcohol authorisation form shall be kept at the premises, this form will detail any member of staff that is authorised to sell alcohol on behalf of the designated premises supervisor. This form needs to have the names of the persons authorised along with the signature of the designated premises supervisor and the date of which it was signed. This form shall be refreshed annually and made available for inspection upon demand by any police officer or any authorised local authority officers.

Condition 6. A refusals log shall be kept that will record any refusals of sale for alcohol or other age restricted products at the premises. This should detail the time and date and a brief description of the refusal. This book will always be kept on the premises and be made available for inspection immediately upon the demand of the police or authorised local authority officers. The records in this book must be held for a period of no less than 12 months. The Designated Premises Supervisor shall check the refusals book monthly to ensure all staff are using it and shall sign and date it immediately after the latest entry.

Condition 7.

An incident book shall be kept that will record the date, time and circumstances of any disorder, ejection or other relevant incident that occurs on the premises. This book will always be kept on the premises and be made available for inspection immediately upon the demand of the police or authorised local authority officers. The Designated Premises Supervisor shall check the incident book monthly to ensure all staff are using it and shall sign and date it immediately after the latest entry.

At the time of this visit the shop was in the sole charge of an unknown male, neither the Licence holder nor DPS were in attendance at the shop

On 4th June 2024 alcohol was sold to a 17 year old test purchaser. This demonstrates a failure to promote the licensing objective of protecting children from harm and noncompliance with the following condition of Annex 3:

Condition 1. The age verification policy operated at the premises shall be "Challenge 25". This means that whilst alcohol may be sold to persons aged 18 years or over, any person who appears under 25 years of age shall be required to provide proof of age using an acceptable form of ID. The only forms of ID that may be accepted shall be:

- a) a proof of age card bearing the PASS hologram logo;
- b) a passport;
- c) a UK photo driving licence; or
- d) a military ID card.

The sale of alcohol was made by Mr Saied Nishat and neither the Licence holder nor DPS were in attendance at the shop at the time of the sale.

On 5th June 2024 the Police Licensing Officer attended the shop to attend a pre-arranged meeting with Mr Nishat, the Licence holder. Upon arrival the shop was in sole charge of Saied Hishat, with Mr Nishat arriving shortly after. The DP was not present. During this meeting Mr Nishat produced a refusal log, which was empty. It was also noted that a "Challenge 25" was on display.

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The premises CCTV system was working and recording, but as it had only been repaired on 25th May 2024 it was not possible to verify that recording would be retained for the 30 requisite day period.

The failed test purchase was discussed. The person who made the sale, Mr Saied Nishat, stated that he thought the child was 19 years of age. This statement demonstrated that Challenge 25 was not being operated at the time of the sale.

Premise History

An application to review this premise was undertaken on the 3rd August 2022 by the principle licencing officer Keeley Ladlow from Rotherham Borough Council.

This action was taken after it was first brought to their attention by SYP for potentially selling to underage children.

From December 2021 and August 2022 many visits were carried out by the council and many breaches of the licence were reported (Review attached) The licencing authority had no confidence in Mr Ilyas Nishat ability to comply with the conditions on the licence or uphold the licencing objectives. Lengthy and repeated visits were undertaken at the premise along side written warnings and notices to improve.

- 14th October 2022 Council Licencing Committee revoke licence.
- Rotherhams Best Appeal
- 3rd August 2023 Conditions attached after a hearing at Sheffield Magistrates court via a consent order.

South Yorkshire police in line with the Licencing Act 2003 feel it is our duty to take steps with a view to promote 2 of the licencing objectives. There is a clear breach of the Conditions. To that end SYP seek a revocation of the Premise License.

The grounds for this review are based on the following aspects of the 2003 licencing Act objectives.

- The Prevention of Crime and Disorder
- The Protection of Children

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

Please tick ✓ yes

No

If yes please state the date of that application

Day Month Year

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

N/A

Please tick ✓ yes

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Jo Belton

.....
Date 20th June 2024
.....

Capacity **on behalf of the Chief Constable of South Yorkshire Police**
.....

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

Jo Belton
Rotherham Police Licensing Officer
Riverside House, Main Street

Post town
Rotherham

Post Code
S60 1AE

Telephone number (if any) **01709 832154**

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Jo.Belton@southyorkshire.police.uk