

LICENSING SUB-COMMITTEE
8th July, 2019

Present:- Councillor Ellis (in the Chair); Councillors Taylor and McNeely.

1. LICENSING ACT 2003 - LICENCE - REVIEW OF THE PREMISES LICENCE - FERHAM SUPERMARKET, 192 FERHAM ROAD, HOLMES, ROTHERHAM

Consideration was given to an application for the review of a premises licence in accordance with the provisions of Section 51 of the Licensing Act 2003, in respect of the premises known as Ferham Supermarket, 192 Ferham Road, Rotherham.

The Licensing Authority received representations made by the Borough Council's Licensing Enforcement Unit (as a responsible authority), which had not been withdrawn and the Sub-Committee considered those representations.

The Sub-Committee heard the representations from the Premises Licence Holder, Mr. Hallo Omid. It was noted that the an application to transfer the licence was received by the Council on 24th June, 2019, transferring the premises licence to Mr. Omid, the new owner, who was also the Designated Premises Supervisor. However, although the licence had been transferred, the review remained "live" as the premises licence remained in place. The names on the premises licence had not yet been amended as the Council's system did not allow this whilst a review was active.

The Licensing Authority had received representations from Rotherham RMBC Public Health and South Yorkshire Police.

The Sub-Committee heard the representations from Mr. C. Burnett (Licensing Enforcement Officer), on behalf of the Borough Council. The subject premises was a small off licence convenience store situated within a residential area.

Members were informed of the details of the specific concerns in respect of the management of these premises:-

- (i) Following receipt of intelligence, Trading Standards had conducted 2 test purchase operations on 13th March and 7th May, 2019. On both instances a packet of illicit cigarettes were sold to the test purchaser by staff at the premises. The cigarettes were sold for £6 per packet; the average retail price for a packet of the same cigarettes was approximately £11.
- (ii) The cigarettes were identified as illicit and did not meet the various

regulations in terms of packaging and safety.

- (iii) The second test purchase was arranged to take place at the premises on 7th May, 2019. The premises again failed the test purchase.
- (iv) In the interim, a decision was made to obtain a warrant to enter and search the premises for illicit cigarettes and tobacco. Police Officers as well as Trading Standards and Licensing Enforcement Officers were in attendance.
- (v) A significant quantity of cigarettes and tobacco was found.
- (vi) The Licensing Enforcement Officer had made a further visit on 15th May, 2019, when he had noticed a carrier bag containing a quantity of illicit cigarettes. Having obtained permission from the current Premises Licence Holder, Mr. Ilyas Gunn, he looked round the premises and found a further carrier bag and 2 crisp boxes all containing illicit cigarettes.

Following the visits, Mr. Gunn was interviewed at Riverside House. There was some confusion as to whether the business had been sold and if so when it had been sold. He denied any knowledge of illicit cigarettes, did not know who worked in the premises, who was in charge of the premises on a daily basis or who was employed at the premises.

The Sub-Committee heard representations from Mr. Omid, the existing Licence holder, who explained that he had recently purchased the premises but had been unaware of the review. Mr. Hama ran the shop for him currently and would in the future together with Mr. Hama who would be responsible for training and the day-to-day running of the premises.

Mr. Omid stated that customers still attended the premises and asked for illicit cigarettes. They were told that the shop only had what was on display.

A new CCTV system had now been installed.

It was Mr. Hama's intention to apply to become the Designed Premises Supervisor once the licence had been transferred.

The Sub-Committee considered the application for the review of the premises licence and the representations made specifically in light of the following Licensing objectives (as defined in the 2003 Act):-

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

Resolved:- That, after due consideration of the application for review and

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to the representations submitted, the premises licence for the premises known as Ferham Supermarket, 192 Ferham Road, Rotherham, be revoked with immediate effect.