

Appendix 3

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 **Dave Lodge, Principal Trading Standards Officer**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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	
John Bull Stores 44 Highthorn Road Kilnhurst	
Post town Rotherham	Post code (if known) S64 5UP

Name of premises licence holder or club holding club premises certificate (if known)
Mr Vinithan <u>SELVARATNAM</u>

Number of premises licence or club premises certificate (if known)
Premises Licence No: P0257

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not 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)

Appendix 3

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

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over.

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

Appendix 3

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

**Trading Standards Service
Rotherham Metropolitan Borough Council
Riverside House
Main Street, Rotherham S60 1AE**

Telephone number **01709 823118**

E-mail address (optional)

Trading.Standards@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 | ✓ |

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

This review is brought on due to the failure of the licence holder, Mr Vinithan SELVARATNAM, to promote the following licensing objectives:

- **The prevention of crime and disorder;**
- **Public safety; and**
- **The protection of children from harm**

On 7th July 2023 Trading Standards Officers found a significant supply of illegal vape products at the premises.

In addition, at the time of this visit the shop was being run by a lone male worker, who was an illegal immigrant.

The statutory guidance, issued under sec. 182 of the Licensing Act 2003, to which local authorities must have regard to, lists certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. Included in this list is:

- **employing a person who is disqualified from that work by reason of their immigration status in the UK; and**
- **the sale or storage of smuggled tobacco and alcohol**

When a Licence holder knowingly engages in serious criminal activities, which in turn undermines the licensing objectives, the Trading Standards Service considers that no steps that can be taken to address their concerns.

Given the above, the Trading Standards Service is seeking a review of the Premises Licence, with the recommendation that the Premises Licence is revoked.

Appendix 3

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

Recently E-cigarettes have risen in popularity and are now the most popular quitting aid used by smokers in England, however, there has also been a significant rise in people using them not as a quitting aid but as an alternative to smoking, including young people who previously haven't smoked.

E-cigarettes are regulated in the UK to make sure that they meet minimum safety standards. However, there are many products on sale illegally which fail to meet those standards – often because they have higher levels and concentrations of nicotine, or they contain too much of the e-liquid. The legal requirement for disposable e-cigarettes is a maximum capacity of 2ml of e-liquid which on average will deliver around 600 puffs or inhalations (i.e., about the same as two packets of cigarettes) Any products claiming to be in excess of this is likely to contain more than 2ml and will therefore be illegal.

Trading Standards and health professionals have serious concerns about the availability of these oversized products and the ease at which they are accessible to consumers, in particular young people. There is growing concern that the availability and appeal of vapes is starting to attract a new wave of users. This is particularly worrying as illegal products provide a much cheaper source to higher levels of nicotine and additionally are unlikely to have gone through the approval processes required for legitimate products.

On the 17th of March 2023 an intelligence report was received from SY Police stating that John BULL Convenience store were selling "ELUX Vapes 3500 puffs" (Illegal e-cigarettes) The report went on to say that the shop had although products were not on open display but there was a catalogue placed in the shop from which customers could pick a flavour, hand a slip to cashier and that products kept in a back storeroom would then be sold "under the counter".

Further intelligence was given by Swinton Academy regarding vapes seized from children which identified John Bull Stores as, one of several shops, selling vapes to children.

On the 19th of May 2023, during a joint visit, Trading Standards and SY Police a large amount of e-cigarette packaging was observed outside the entrance door i.e. 8000, 3500, 1500 puff empty boxes.

Upon entering the premises officers noted that display cabinets inside the shop, to the left of the entrance, were full of what appeared to be illegal oversized e-cigarettes. (i.e. over 600 puffs)

On this occasion Mr Vanithan SELVARATNAM, the Licence holder and DPS, was not present in the shop. Officers spoke to a man, that they now know to be Mr Yokeswaran MANOKARAN. Mr Mankoran was working unsupervised in the shop.

Mr Mankoran did not have a very good command of English, but the Officers managed to speak with him and advised him about the illegal e-cigarettes. They also left him a Responsible Retailer advice pack which covers restricted underage sales advice and instructed him to give it to the Licence holder and DPS.

On the 11/07/2023 Officers again attended John Bull Stores and undertook an inspection of the premises. During this inspection a quantity of illegal e-cigarettes were discovered. Once again Mr Selvaratnam was not on the premises and the shop had been left under the control of Mr Mankoran. However, having been contacted Mr Selvaratnam subsequently arrived at the premises approximately one hour later.

Appendix 3

Mr Selvaratnam was spoken too by Trading standards officers regarding the oversized vapes, his reply was that he made £5 per vape sale and wouldn't be able to keep the shop open without this income.

As result of this visit 626 illegal e-cigarettes were seized with an approximate retail value of £5008.00 RRP

Checks made on Mr Yokeswaran MANOKARAN revealed that he was an illegal immigrant with no right to work in the UK.

Investigations are ongoing into the sale of the illegal e-cigarettes.

The home address shown on the Premises Licence held by Mr Selvaratnam is 147 Fitzwilliam Street, Swinton, Mexborough, South Yorkshire, S64 8RN. This address relates to a flat which is located above the shop premises known as of Gwynette News Ltd

The person listed on council tax records as being the occupier of Gwynette News (Shop premises) is also listed as the occupier and owner of the flat above, whilst Mr Selvaratnam is not listed at either of those addresses. See details below from Council Tax records.

Appendix 3

Please tick ✓ yes

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

NO

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

N/A

Appendix 3

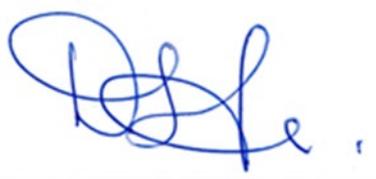
Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 4)

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



Signature

Date 18/08/2023

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)

**Dave Lodge, Principal Trading Standards Officer
Rotherham Metropolitan Borough Council
Riverside House
Main Street**

Post town
Rotherham

Post Code
S60 1AE

Telephone number (if any) 01709 808211

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Dave.lodge@rotherham.gov.uk

Appendix 3

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.