

Appendix 3

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

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

**ARO MINI MARKET
12 FITZWILLIAM ROAD
EASTWOOD**

Post town
ROTHERHAM

Post code (if known)
S65 1PT

Name of premises licence holder or club holding club premises certificate (if known)

MR SANGAR MOHAMMAD

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

Premises Licence No: P1010

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)

(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)

(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 to promote the following licensing objectives:

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

On 14th of February 2023 illicit cigarettes were sold to an undercover test purchaser.

On the 21st of February 2023 and again on the 7th of September 2023 Trading Standards Officers visited and found a significant supply of illegal tobacco and e-cigarette products at the premises.

In addition, at the time of these visits the shop had been left under the control of persons who had no legal right to work in the UK.

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.

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

Tobacco use is the leading cause of preventable death and disease. In the UK, it leads to over 100,000 avoidable deaths every year and causes many more people to lose years of active life through smoking-related illnesses. One in two long-term tobacco users will die early as a result of smoking.

Illicit tobacco in the UK remains a significant issue and not least of all in the Yorkshire and Humber region. Around 7 million people continue to smoke which equates to just over 10%. However, in areas like Rotherham the rate remains stubbornly high at just under 18%

Amongst other strategies high prices are known to be an effective means to encourage smokers to quit and therefore government policy is to maintain high levels of taxation. However, in the absence of effective counter measures, high prices can provide an incentive to engage in the illicit tobacco trade which in turn significantly undermines government efforts to reduce smoking prevalence.

Graphic health warnings along with standardised packaging are further measures intended to encourage smokers to quit, however often illicit products do not carry the requisite health warnings and are not compliant with UK labelling requirements.

The illicit tobacco trade exacerbates existing health inequalities between low-income groups and the wider population. Illicit tobacco is most commonly available and purchased in low-income communities, where smoking rates are already disproportionately high.

The availability of cheap illicit tobacco also facilitates smoking among young people. Research from the Northeast of England showed that nearly three quarters of smokers aged 14 to 15 have been offered illicit tobacco, and that 55% have bought it.

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 illegal 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 14th of February 2023 an undercover test purchase was undertaken at the premises of Aro Mini Market, 12 Fitzwilliam Road Rotherham. During the test purchase a single packet of 20 L&M Fine Cut cigarettes were sold for £6.

The cigarettes were later confirmed to be counterfeit. As a result of the test purchase a warrant was obtained to enter the premises of Aro Mini Market.

On the 21st of February 2023 along with South Yorkshire Police and a tobacco detection dog handler, officers from Trading Standards attended at Aro Mini Market and entered the premises. During a search of the premises a quantity of illegal tobacco, cigarettes and vapes were discovered.

The illegal cigarettes and tobacco were discovered concealed in a toolbox which was behind the counter, whilst the illegal vapes were on display on the counter.

The following items were subsequently seized from the premises.

- 202 packets/3569 Sticks Illegal Cigarettes.
- 43 packets/1560 Grams of Tobacco.
- 2 Elux 3500 Vapes.

The premises were under the control of a male who was the only person on the premises at the time of the visit. Officers were shown a driving license which identified the male as HERISH TAWFIQ ALI D.O.B 17.01.82. An officer from SYP rang Immigration who confirmed that Mr Ali had no legal right to work in the UK.

On the 16th May 2023 a visit was made to Aro Mini Market and a responsible retailer advise pack was left at the premises.

On 18th August 2023 an email was received by Trading Standards with information that the store was selling illicit tobacco, the email was from a Mr Sangar Mohammad who stated that he was the owner of the shop and that the people who he had left in charge of the shop were using it for their own personal interest. A copy of this email is attached at Annex 1 to application.

The email was forwarded to colleagues in Licensing for their attention and action. In addition, on the 7th of September 2023 Trading Standards along with SYP Officers made a further visit to Aro Mini Market. Upon entering the premises, a male member of staff was observed serving a customer.

Immediately after the transaction concluded the male was approached by officers from Trading Standards and his identity established.

The officers examined his identity card and established his details as RAHIM SOLTAN D.O.B 21- 03- 83 and also that he should not be working in the UK. SYP officers contacted immigration whilst at the premises who confirmed that Mr Soltan should not be working and that they will take the matter up.

The officers then searched the premises and subsequently seized the following illegal items:

229 illicit vapes displayed both on the counter and also behind the counter, as follows:

- Lost Marys 1500
- Solo+ 3500
- Elux 3500
- Solo+800
- Firerose 4500

87 packets/1700 sticks of illegal cigarettes and 16 packets/800 grams of rolling tobacco concealed in a black holdall and a shopping bag placed behind the counter.

The above evidence supports this review application, which recommends that the Premises Licence is revoked on the grounds of the failure of the licence holder to promote the following licensing objectives:

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

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

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

N/A

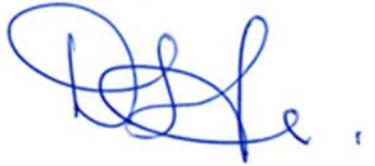
Please tick ✓ yes

- 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

Date **25/10/2023**

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

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.

Supporting Information to the Application

Annex 1

From: Sangar Mohammed <sangaryousif10418@gmail.com>

Sent: 18 August 2023 19:33

To: Dave Lodge <Dave.Lodge@rotherham.gov.uk>

Subject: Hi

You don't often get email from sangaryousif10418@gmail.com. [Learn why this is important](#)

Hello Mr lodge,

Someone helped me to get your email at trading standard. Please help me I got a big problem with my shop.

My name is Sangar mahmmod. I own a shop in (Rotherham/ 12 Fitzwilliam road/s65 1pt) I have license for everything. But it's been for over a month I am out side UK, due to emergency situation with my family. I just realised the people who I left my shop with them, they are using my shop for personal interest and illegal things. They are selling illegal cigarets. And the house that I used to live (Rotherham/ hatherley road 8 / s65 1ry) which is behind the shop, they made it as store for the shop and put lots of illegal cigarets. It's like the took over my shop and my house.

Please help me, because I am not responsible if you go there and capture everything and looking for the owner. Before the raid I am telling you these stuff

Even the house that they use it as a storage for illegal cigarettes is under my name I got it from the land lord.

By the way, the one who is doing that behind my back his name is (shahram bahrami)

And early this year when I was in holiday, the shop was raided for illegal cigarettes. You have the data regarding to that.

Any other things you want to know, I will be ready to answer you through only email. Because I am not in uk to use phone call.

Name: sangar Mohammad

Email: sangaryousif10418@gmail.com

Company register number: 14783966

Yaran mini market LTD. Thanks 🙏