

Appendix 4

Community Safety and Street Scene

Licensing Service

Riverside House, Main Street, Rotherham, S60 1AE

Direct Line: (01709) 247400

Email: licensing@rotherham.gov.uk



22nd November 2023

Representations made on behalf of the Licensing Authority to the application to review of a Premises Licence issued to Mr Sangar Mohammad in respect of Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT

Licence Details

The above mentioned store has the benefit of a Premises Licence (No.P1010) that authorises the sale of alcohol for consumption off the premises. The Licence is issued to Mr Sangar Mohammad, who is also named on the Licence as the designated premises supervisor (DPS).

The Licence was transferred to Mr Sangar Mohammad, with immediate effect on 9th November 2023, and is subject to the mandatory conditions and eighteen management control conditions, all of which were on the Licence at the time of transfer. by The Licence conditions are attached at Annex A to this representation.

Recommendation

The Licensing Authority is satisfied that the Licence holder, Mr Sangar Mohammad, is operating the premises in a manner that fails to promotes the licensing objectives of:

- The Prevention of Crime & Disorder
- Public Safety; and
- The Protection of Children from Harm.

The Licensing Authority recommendation is that **the Licence is revoked.**

Grounds for Recommendation

The Licensing Team were informed illegal tobacco, cigarettes and vapes had been seized from the premises by the Trading Standards Service and provided with a copy of the email the licence holder, Mr Sangar Mohammad, sent to Mr Lodge (Principal Trading Standards Officer) on 18th August 2023.

On 6th October 2023 an email was sent to Mr Sangar Mohammad which, in summary:

- made him aware that he was responsible for promoting the licencing objectives;
- suggested that if he was no longer in control of the shop that he should surrender the Licence; asked who was currently in day to day management of the shop; and
- advised how to vary the DPS on the Licence.

The email from Mr Sangar Mohammed is attached to the review application and a copy of the email sent by Licensing to Mr Sangar Mohammad is attached at Annex B to this representation.

Mr Sangar Mohammad did not reply to the email sent on 6th October 2023.

On 10th October 2023, Licensing Enforcement Officers with Police Licensing Enforcement Officer visited the shop with the intention of conducting a Licence compliance inspection. However, a full compliance inspection was abandoned due to the fact that neither of the two people in charge of the shop at the time of the visit had any knowledge of the terms and conditions of the Licence or Challenge 25. In addition both spoke very little English, claimed to be “just helping out for a friend” and, when questioned, said they had received no training.

During this visit Officers witnessed the sale of alcohol to a customer, which was made in breach of the terms and conditions of the Licence.

On 11th October 2023 a letter was sent to the Mr Sangar Mohammad explaining what had happened at the visit fully and providing advice that:

“.....until such time that you are in a position to ensure compliance with all the terms and conditions of the Licence that you stop selling alcohol with immediate effect and remove all alcohol from the public area of the shop”.

It was also made clear to Mr Sangar Mohammad in the letter that:

“Every sale of alcohol made in breach of the terms and conditions of the Licence is unlawful”.

The letter also requests a face to face meeting with Mr Sangar Mohammad as soon as he returned to the UK.

A copy of the letter sent to Mr Sangar Mohammad on 11th October 2023 is attached at Annex C to this representation. This letter was posted to the home address provided by him at the time the Licence was issued, sent by email and hand delivered to the shop.

In addition, a copy of the letter was hand delivered to the shop for the attention of Mr Shehram Ahmad Behrami, who had spoken to Officers the previous day and claimed to have been left in his charge of the shop by the licence holder. It is unknown if this is the same person the licence holder, Mr Sangar Mohammad, claimed in his email of 18th August 2023, had taken over his shop and home. The name he gave in this email is “Shahram Bahram”.

On 16th October 2023 an Officer attended the shop and was sold alcohol. Immediately after the sale Licensing Enforcement Officers entered the shop and identified that there was no CCTV system installed at the shop, which made the sale unlawful. The person who made the sale, and was in sole charge of the shop, was Mr Ahmadi Ari. Officer recognised Mr Ahmadi Ari as one of the men who had been in charge of the shop when they had visited on 10th October 2023, and who had claimed he was “just helping out for a friend”.

Mr Ahmadi Ari made a call and then handed the mobile phone to an Officer stating “My friend, Shehram, he's coming now”. The Officer spoke to the person on the phone, who identified themselves as Mr Shehram Ahmed Behrami and stated he was on his way back to the shop having left for food.

Officers waited at the premises until Mr Shehram Ahmed Behrami arrived, who when asked confirmed that the CCTV system was no longer in use. Officers reiterated the information provided to Mr Shehram Ahmed Behrami in letter that had been hand delivered to him on the 11th October 2023, that any sale of alcohol was in breach of the licence conditions and therefore unlawful.

Officers asked that all alcohol be removed from display or covered over if there was insufficient storage at the premises. This was agreed. Mr Shehram Ahmed Behrami then telephoned the licence holder, Mr Sangar Mohammed, in order that he could speak in person to Officers. In this conversation, Mr Sangar Mohammed, stated he believed “everything to be fine now”. Officers reiterated the position and stated all alcohol was to be removed or covered and that no alcohol could be currently sold as the sale would be unlawful. The conversation concluded with Mr Sangar Mohammed confirming to Officers that he understood this instruction.

On 12th October 2023 an email from Mr Sangar Mohammed was received, in which he stated that he wanted to let Licensing know that everything “*is fine and running good*”. In this email Mr Sangar Mohammed retracts the information he provided to Mr Lodge, Principal Trading Standards Officer, in his email of 16th August 2023. A copy of email and the reply sent on the same date to Mr Sangar Mohammed is attached at Annex D to this representation.

At the time of writing, this is the only communication received by the Licensing Team from to Mr Sangar Mohammed.

On 26th October 2023 Officers hand delivered a copy of the review application submitted by the Trading Standards Service to the premises and, whilst there posted a notice advertising the review application in the window of the shop. At the time of this visit the shop was in the sole control of Mr Omid Mohammadi, who tried, but failed, to call the Licence holder Mr Sangar Mohammed. Mr Omid Mohammadi then called Mr Shehram Ahmed Behrami, who spoke with the Officer and told them that he was currently at Costco and that the Licence holder was in Iraq. Whilst at the shop Officers witnessed Mr Omid Mohammadi sell alcohol.

Summary

The Licensing Authority is satisfied that the grounds provided in this representation supports the recommendation that the Premises Licence issued to Mr Sangar Mohammed in respect of Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT is revoked.

The Mr Sangar Mohammed has demonstrated a complete lack of management control at the shop and, despite having received appropriate advise, has continued to breach the terms, conditions and restriction of the Licence.

The Licensing Authority considers the revocation of the Premises Licence to be the sole mechanism available to the Sub Committee to ensure the promotion of licensing objectives.

Diane Kraus
Principal Licensing Officer

ANNEX A

Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT - Premises Licence No. 1010

The applicable mandatory conditions are:

- No supply of alcohol may be made under the premises licence:
 - i) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - ii) at a time when the designated premises supervisor does not hold a personal licence, or his personal licence is suspended.
- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. 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 a holographic mark.

The conditions offered by the Licence holder and attached to the Licence are:

1. The licence holder shall ensure that a digital CCTV system shall be installed and operated during the hours that alcohol is being sold. The system shall have a 28 day recording and retrieval system and footage shall be capable of being downloaded onto a portable storage device such as memory stick or DVD. The CCTV cameras shall cover the entire licensed area of the premises, including the till area where payment is made for alcohol.
2. The premises licence holder shall ensure that the Information Commissioner's Office is notified of the CCTV system and that the data controller is aware of the Information Commissioners advice in relation to the storage and handling of personal data, including when it can be provided to third parties.
3. The licence holder shall ensure that equipment shall be operated and maintained in good and clear working order.
4. The licence holder shall ensure that at least one staff member shall be trained in the use of the system to ensure rapid data retrieval and download is retrieved should it be required immediately by a Police Officer or Council Licensing Enforcement Officer, and in any event within 24 hours.
5. The licence holder shall ensure that notice of CCTV in operation shall be displayed in a clear and prominent position at the premises.
6. The licence holder shall ensure that an incident register shall be maintained and kept on site at all times to record all incidents involving anti-social behaviour, injury, and ejections from the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the incident, and details of the nature of the incident and names of any other staff involved or to whom the incident was reported.

7. The licence holder shall ensure that the register shall include the details of any Police Officer who attended the incident, names, and addresses of any witnesses, and confirmation as to whether there is CCTV footage of the incident.
8. The licence holder shall ensure that this register shall be made available for inspection by South Yorkshire Police or Local Authority Enforcement Officers immediately upon request.
9. The licence holder shall ensure that new staff shall receive induction training at the commencement of their employment at the premises, including drug awareness and underage sales training. This training shall be recorded.
10. The licence holder shall ensure that staff refresher training shall take place on a six monthly basis and be recorded.
11. The licence holder shall ensure that all staff training records shall be maintained by the DPS or Premises Licence Holder, maintained and available immediately for inspection upon request by South Yorkshire Police or Local Authority Enforcement Officers.
12. The licence holder shall ensure that no open vessels containing alcoholic products shall be permitted to be taken into the premises, and no open vessels containing alcohol shall be allowed to be taken from the premises during trading hours.
13. The licence holder shall ensure that the licence holder shall ensure that staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police.
14. All relevant fire procedures shall be in place for a store of this size.
15. The licence holder shall ensure that an instore accident book will be in operation to record any accident/ injury incurred on the premises. This document will be retained for inspection by the store for a period of three years.
16. The licence holder shall ensure that customers will be reminded by way of clear and prominent notice at the entrance/exit door to please leave the premises quietly and have consideration for any neighbouring residential properties.
17. The licence holder shall ensure that the premises shall adopt a Challenge 25 proof of age scheme approved by South Yorkshire Police. Signage shall be displayed in the premises that Challenge 25 is the age verification policy adopted at the premises.
18. The licence holder shall ensure that notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person less than 18 years of age.

ANNEX B

From: Diane Kraus
Sent: 06 October 2023 10:33
To: sangaryousif10418@gmail.com
Cc: Dave Lodge <Dave.Lodge@rotherham.gov.uk>
Subject: FW: Aro Store , 12 Fitzwilliam Road, Rotherham S65 1PT

Hello Mr Mohammed

The email you sent to Mr Lodge has been forwarded to me for consideration.

From your email I am unsure if you are still in control of the shop. In it you say you are “not responsible”. However, you need to be aware that as the holder of the Premises Licence, which allows alcohol to be sold, **under licensing law you are responsible** for the sale of alcohol at the shop and the promotion of the licensing objectives, which are:

- preventing crime and disorder
- public safety
- prevention of public nuisance
- protecting children from harm.

If you are no longer in control of the shop, then you are unable to ensure it operates in a manner that promotes the licensing objectives. If this is the true, you should surrender the Premises Licence (copy attached). Whilst this will mean that alcohol cannot be lawfully sold at the shop, it will also mean that you are no longer accountable for any breaches of licensing law.

You can surrender the Licence by responding to this email, confirming that is your wish. You will then need to post the Licence document to this office (Licensing Team, Rotherham MBC, Riverside House, Main Street, Rotherham S60 1AE).

If you are still in control of the shop and wish to continue to hold the Premises Licence, then you need to confirm who is responsible for the day-to-day management of the shop (the Designated Premises Supervisor). You are currently named on the Licence as the Designated Premises Supervisor. Whilst it is accepted that the Designated Premises Supervisor may be away from the shop when on holiday or to deal with a family emergency, long periods of absence are not acceptable. Licensing law has a simplified process, which allows the Licence holder to designate an alternative Designated Premises Supervisor. The person designated must hold a Personal Licence and must be in day-to-day management of the shop. The application form to allow this, together with the form that the person who is designated must sign, are attached. The fee is £23 and completed application forms must be returned to licensing@rotherham.gov.uk.

Regards

Diane Kraus
Principal Licensing Officer
Community Safety and Street Scene
Regeneration and Environment Services
Riverside House Wing A, Floor 3, Near Pod A33
Rotherham Metropolitan Borough Council , Riverside House, Main Street, Rotherham,
S60 1AE

ANNEX C

Community Safety and Street Scene

Licensing Service

Riverside House, Main Street, Rotherham, S60 1AE

Direct Line: (01709) 247400 Fax: (01709) 371149

Email: licensing@rotherham.gov.uk



My Reference: LA2003/Reps.

Please ask for: Diane Kraus

Mr Sangar Mohammad
Flat B, 389 Harrow Road,
Westminster
London,
W9 3NA.

Dear Mr Mohammad

**RE: LICENSING ACT 2003 - PREMISES LICENCE (Number: P1010)
ARO MINI MARKET, 12 FITZWILLIAM ROAD, EASTWOOD, ROTHERHAM, S65 1PT.**

With reference to the Premises Licence issued to you in respect of the above named shop and further to my email of 6th October 2023 (copy attached), to which, at the time of writing, you have not responded.

Yesterday, the 10th October 2023, the Council's Licensing Enforcement Officer visited the shop with the intention of conducting a Licence compliance inspection. However, a full compliance inspection was abandoned due to the fact that neither of the two people in charge of the shop at the time of the visit had any knowledge of the terms and conditions of the Licence or Challenge 25. In addition both spoke very little English, claimed to be "*just helping out for a friend*" and, when questioned, said they had received no training. It was however noted that there was no CCTV operating at the shop, which the officer was told had been seized by the Council. There were also no Challenge 25 poster on display.

For your information, I have today contacted the Council's Trading Standards Service, who have confirmed that they removed the CCTV system installed at the premises when they recently seized illicit cigarettes, tobacco and vapes from the shop.

Regarding the people in charge of the shop, upon arrival a man who gave his name as Mr Ali was behind the counter of the shop. He then telephoned his friend, who arrived within minutes, at which point he immediately left the shop.

The second man gave his name as Rahim Sotani and provided a resident's permit as a means of ID, which stated he did not have the right to work in the UK. Mr Sotani told us that the first man was called Amir Mohamdi, which did not match the name he had provided.

Mr Sotani then contacted his friend, who the officer spoke to on the phone. This person, who gave his name as Sherham Ahmad Behrami. Mr Behrami told the officer that you were in Norway, had left him in charge of the premises, that he held a Personal Licence and that he was currently in Leeds. He confirmed that Mr Sontanti was a friend who was just helping out.

Whilst at the shop, the officer witnessed Mr Sotani sell alcohol to a customer. This sale was in breach of the terms and conditions of the Licence. Specifically, the conditions 1, 9, 15 & 16 of Annex 2 to the Licence which specify:

1. The licence holder shall ensure that a digital CCTV system shall be installed and operated during the hours that alcohol is being sold. The system shall have a 28 day recording and retrieval system and footage shall be capable of being downloaded onto a portable storage device such as memory stick or DVD. The CCTV cameras shall cover the entire licensed area of the premises, including the till area where payment is made for alcohol.

9. The licence holder shall ensure that new staff shall receive induction training at the commencement of their employment at the premises, including drug awareness and underage sales training. This training shall be recorded.

15. The licence holder shall ensure that the premises shall adopt a Challenge 25 proof of age scheme approved by South Yorkshire Police. Signage shall be displayed in the premises that Challenge 25 is the age verification policy adopted at the premises.

16. The licence holder shall ensure that notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person less than 18 years of age.

The appropriate course of action with regard to the noncompliance witnessed by the officer is under consideration. This may include the instigation of legal proceeds against you and/or the review of the Licence.

I would strongly advise you, that until such time that you are in a position to ensure compliance with all the terms and conditions of the Licence that you stop selling alcohol with immediate effect and remove all alcohol from the public area of the shop.

Every sale of alcohol made in breach of the terms and conditions of the Licence is unlawful.

As the CCTV has been seized as part of a Trading Standards operation this means you will have install a new system in accordance with the conditions of the Licence if you want to sell alcohol.

Also, officer are keen to meet with you in person to further discuss this matter. Please can you give me an indication as to when you expect to return to the UK so that a meeting can be arranged.

Finally, you will note that whilst this letter has been sent to you at the address you gave as your home address when applying for the Licence, a copy has been sent to you by email and hand delivered to the shop. In addition Mr Behrami has also had a copy of this letter hand delivered to the shop in order that he is fully aware of the advice you have been given.

Yours sincerely

Diane Kraus
Principal Licensing Officer

cc. Mr Sangar Mohammad - sangaryousif10418@gmail.com

Mr Sangar Mohammad, Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT

Mr Sherham Ahmad Behrami, Aro Mini Market, 12 Fitzwilliam Road, Rotherham S65 1PT

ANNEX D

-----Original Message-----

From: Sangar Mohammed <sangaryousif10418@gmail.com>

Sent: 12 October 2023 14:36

To: Diane Kraus <Diane.Kraus@rotherham.gov.uk>

Subject: Hi

Hello

My name is sangar mohammad I have own a shop in Rotherham 12 FITZWILLIAM ROAD post code is S65 1PT. I would like to inform you that everything is fine in my shop. One of my shop neighbour called me and he gave me wrong information in that case i sent you email before, but when I checked everything now i am make sure. He didn't do nothing wrong and any illegally cigarette . Now I want to let you know everything is fine and running good. I wanna keep selling alcohol, Now I am outside uk soon i go back. Thanks for helping. Thankas sangar mohammad

-----Original Message-----

From: Diane Kraus

Sent: 12 October 2023 15:28

To: Sangar Mohammed <sangaryousif10418@gmail.com>

Cc: JO BELTON <Jo.Belton@southyorks.pnn.police.uk>; Lisa Underwood-Parkin <lisa.underwood-parkin@rotherham.gov.uk>; Oliver Ashton <Oliver.Ashton@rotherham.gov.uk>

Subject: RE: Hi

Dear Mr Mohammed

Everything is not ok with your shop. There are conditions on the Licence which are not being complied with. Until the shop operates in compliance with the licence conditions then every sale of alcohol made at the shop is unlawful. I explained this, in detail, in the letter I emailed to you yesterday. I have attached a further copy of this letter.

I repeat my advice, which is that you should stop selling alcohol until the shop can operate in compliance with all the conditions of the licence . You need to make sure that every person who works in the shop has received appropriate training. Also, if you are not in day-to-day management of the shop you need to vary the licence to designate the person who is. You have already been told this and sent the application form to make such an application. I further copy of this application form to vary the DPS is attached.

You hold a Personal Licence so must have received training in licensing law. However, to be clear, you as the Licence holder, are responsible, regardless of not being in the UK. You have a duty to ensure that adequate arrangements are in place to ensure the promotion of the licensing objectives. You are failing in this duty

This is a very serious matter, if you do not understand this, or unsure what you need to do, then you should seek independent legal advice. I strongly urge you to contact a licensing solicitor. You are at serious risk of having your Licence revoked and legal proceedings being brought against you.

Regards

Diane Kraus

Principal Licensing Officer



South Yorkshire
POLICE

South Yorkshire Police
Moss Way Police Station
Moss Way
Sheffield
S20 7XX

RE- Application to review.

Aro Mini Market
12 Fitzwilliam Road,
Rotherham S65 1PT

Following on from a visit by Trading Standards to the above premise, where illegal tobacco, cigarettes and illicit Vapes were discovered, at the premise.

South Yorkshire Police support Rotherham Trading Standards review of the premise.

The sale of illegal tobacco, cigarettes and illicit Vapes at a licensed premises demonstrate a failure on the part of Licence holder to comply with the licensing objective of preventing crime and disorder.

Yours faithfully,

Jo Belton

For and on behalf of

Chief Constable, South Yorkshire Police