

Licensing Act 2003

Objection to the application for a new premise licence for

Britannia Inn shop, Lindley Street, Rotherham

On behalf of the Chief Constable of South Yorkshire, an objection is being made in relation to the above application.

My representation is based on all four licensing objectives; the prevention of crime & disorder, public safety, prevention of public nuisance & the protection of children from harm.

The premise is situated in the Eastwood area of Rotherham, this locality has previously had issues with ASB, the area attracting "Street Drinkers" who congregate in the area drinking alcohol, vaping and taking drugs.

Unfortunately, despite the applicant's agreement to adhere to additional conditions, our concerns are surrounding the premise licence holder's suitability to operate a licensed premise, where previously unlicensed activities have taken place. We feel that by allowing the premise to obtain a premise licence will lead to a rise in anti-social behaviour in and around the premise.

The granting of this licence to this individual has the potential to seriously undermine the crime and disorder objective and it is on this basis we request the licence be refused.

This emailed representation is made in accordance with the agreement with the Licensing Authority on the 18th October 2006 to accept representations by email.

Regards.

Tracey Klein

South Yorkshire Police Licensing Department

E-mail: Rotherham_Licensing@southyorks.pnn.police.uk

Appendix 3

Representation from Rotherham MBC Public Protection Unit (Environmental Health)

Please see attached statement which was used as part of the closure order, we wish to formally object against the application due to previous problem with the management company, our objection is on the ground for Public nuisance and prevention of crime and disorder.

Appendix 3

WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Criminal Procedure Rules, r. 27.2)

STATEMENT OF Catherine Lunn

AGE OF WITNESS Over 18

(if over 18, enter "over 18"):

OCCUPATION OF WITNESS:

Community Protection and Environmental Health Manager

ADDRESS: Riverside House, Main Street, Rotherham, S60 1AE

This statement consisting of 1 page signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

1. My name is Catherine Lunn, I am a Community Protection and Environmental Health Manager employed by Rotherham Metropolitan Borough Council. I am duly authorized to make this statement on behalf of the Council.
2. In April 2024 the service started to receive complaints from residents in Eastwood village regarding noise and Anti-Social Behaviour from the commercial premises known as Marios Mini Market, Britannia Inn Shop, Lindley Street, Eastwood Rotherham S65 1RU (Mario's). Enquires found that the premise is a convenience store that is not licensed to sell alcohol
3. On 17 June 2024 a resident rang the out of hours team to report a large gathering outside of the commercial premises referenced above.
4. On 17 June 2024 the out of hours team witnessed approximately 20 people outside the premise listening to music and drinking alcohol.
5. On 23 June 2024 the out of hours team witnessed approximately 20 people outside the shop listening to music and drinking alcohol. The out of hours team received two calls from residents regarding this issue.
6. On 25 June 2024 I discussed the issues surrounding Mario's at Tasking, noting the Anti-Social behaviour being caused due to the alcohol. This became a bi-weekly item discussed at each meeting with partners.

Appendix 3

7. On 28 June 2024 I received an email from PC Tom Wykes (exhibit CDL1) regarding a visit carried out by South Yorkshire Police at the premises where alcohol had been seized, the email contained photographs of the premise (also exhibited as CDL 1).
8. On 23 September 2024 the out of hours team received a call from a resident stating that there were children playing with fireworks.
9. On 4 October 2024 the out of hours team received a call from two residents stating that fireworks were being let off in the village area.
10. On 31 October 2024 the out of hours team witnessed a large group of youths letting off fire works in a green space known as pocket park.
11. On Monday 4 November I received an email from Inspector Crapper, South Yorkshire Police, (exhibit CDL2) that the police carried out a visit to the premises and seized a large quantity of fireworks, alcohol and counterfeit cigarettes.
12. Through November 2024 I received a number of phone calls from local residents regarding the premise and stating that anti-social behaviour was continuing including drinking on the street around the shop.
13. On 15 November 2024 a resident reported males drinking outside the premise, this was attended and witnessed by officers.
14. On 26 November 2024 officers from Food Safety and Trading Standards attended the premise and found food safety issues for which a Hygiene Emergency Prohibition Notice was served and also illicit alcohol, cigarettes, E-cigarettes and medication were seized. The property was closed for the food hygiene issues but has since reopened following successful eradication of cockroaches.
15. Based on the timescales above I have no confidence in the premises to operate legally or to cease behaviour which is causing alarm and distress for local residents.

SIGNED:

DATED: 16 December 2024

Licensing Act 2003 Application for the Grant of a Premises Licence –

Mario's Mini Market, Lindley Street, Eastwood S65 1RT

With reference the application, made by **Mario's Mini Market LTD**, for the grant of a Premises Licence to allow the sale of alcohol, for consumption off the premises, at the above-mentioned shop.

Having consider the application, the following representation are submitted on behalf of the Councils Trading Standards Service, in its role as a designated Responsible Authority under the Licensing Act 2003.

The Trading Standards Service has no confidence that the applicant, who is also named in the application as the Designated Premises Supervisor (DPS), will promote the following licensing objectives:

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

The grounds on which these representations are made are as follows:

This premises has been under investigation for selling Fireworks without a licence, Selling Alcohol without a licence, Selling Illicit Tobacco illicit tobacco, illicit vapes and selling prescription drugs (some of which are classed as class A) since November 2024.

On **Friday 1st November 2024** Operation Dark Nights was under way South Yorkshire Police Central Neighborhood Team attended the premises Mario's Mini Market, Britania Inn Shop, Lindley Street, Rotherham S65 1RU.

During the visit the following items were seized:

Appendix 3

Cigarettes: 460 Sticks, 23 packets = Street value £345.00

Alcohol :18 Bottles, 9 cans = Street Value £410.00

Fireworks: Street Value £1845.00

Street Value for total seizure 2600.00

The **Tobacco** items were not fit for the UK Market, Counterfeit and the Business Owner did not have an Economic Operators Licence to enable the buying of Tobacco to sell. This is a requirement by HMRC. The **Alcohol** was seized as the premises, nor the business owner hold a Licence to sell Alcohol. This was not the first time that Alcohol had been seized from the premises, previously a Keg of beer had been taken by South Yorkshire Police officer as, the owner had customers sitting in and outside the shop drinking, this caused local neighbours to complain to South Yorkshire Police and Environmental Health due to the noise and partying at the premises. **Fireworks** were seized as the premises had not got the required licence given by South Yorkshire Fire Brigade to store and sell Fireworks, the added issue was the fireworks that were seized should not be sold on the UK market as they are banned and not fit under product safety UK Regulations.

Following the visit South Yorkshire Police contacted myself with regards to the offences committed following the findings above. I contacted the RMBC Food Team to organize a Joint visit to the premises. The reason for the joint visit with the food team was to establish the Health and Hygiene of the premises along with the issue with NON-UK Food products and for a discussion around the illicit Products and Fireworks found at the premises on Friday 1st November 2024.

Tuesday 26th November 2024, 23 days after the first visit Myself and the RMBC food inspector attended the premises named on the license application.

Upon entry it was clear that they had continued in the behavior of selling Illicit Tobacco as located behind the till (shop Assistant side) with a makeup bag full of illicit Cigarettes and Illicit Vapes. Further to this, I Officer Fieldhouse, found many foreign medications on the shelf for sale as well as a large container full of foreign prescription medications priced up for sale.

I continued to search the premises and found further concealed Illicit Cigarettes within a cupboard to the rear of the store. As the search was ongoing further Illicit items were found, items such as Alcohol and Counterfeit branded accessories.

Upon locating the alcohol, it was apparent the Hygiene of the shop was questionable as

Appendix 3

I found a Cockroach Trap infested with Cockroaches of all lifecycles. This meant that the shop had a bad infestation of Cockroaches and would need the Food Hygiene Officer to investigate, along with further contraventions under Food Hygiene that came apparent the more we went around the premises. These were such as Food stock being stored in the Toilet, blocked Fire exit with store stock, NON-UK label food, out of date products and many more offences.

The items seized from this visit are as follows:

Prescription Meds/Other medications	= £12,501.02
Vapes x 54	= £457.93
Cigarettes - Sticks 5,640, Packets 282	= £4230.00
Alcohol - Bottles/cans	= £417.00
Illicit Slimming Items	= £1,633.12
Counterfeit Clothing Accessories	= £200.00
Grand Total	£19,439.07

Like as before we have **Illicit Cigarettes** and **Illicit Alcohol** but added to this, we have **Prescription Meds/Other medications**, **Illicit Vapes**, **Illicit Slimming Items** and **Counterfeit Clothing Accessories**.

Amongst the prescription medicines, we found class A drugs such as **Tramadol**, **Diazepam Slovaloforma** and **Amitriptyline**. All the prescription drugs were in foreign labels and they should only be prescribed by a doctor.

As a result of the enforcement activity on 1st November 2024 and 26th November 2024, we as a local Authority took the decisions to move forward with a Closure Order

Prior to making this application, the Council has consulted with various other stakeholders, including Ward Councilors, South Yorkshire Police, South Yorkshire Fire Brigade, and other departments within Rotherham Metropolitan Borough Council. The Inspector of the Central Neighbourhoods Team (His team cover Eastwood Village), indicated support for the Council's decision to issue a Closure Notice and for seeking a Closure Order, stating that it would be in the community's interest and ensure the safety of the community. In addition, the Council's Licensing Authority supports the application for a Closure Order.

On **17th December 2024 at 16:30** I served a Closure Notice in accordance of the Anti-social Behaviour, Crime and Policing Act 2014 section 76. The closure notice was served

Appendix 3

as RMBC were satisfied on reasonable grounds that the use of the premises has resulted in a nuisance to members of the public and that there has been disorder associated with the premises and that a closure notice was necessary to prevent the nuisance and disorder from recurring. The closure notice is effective for 24 hours. It expires at 16:29 on 18th December 2024.

On **18th December 2024**, I attended Sheffield Magistrates Court to apply for a Closure Order accordance of the Anti-social Behaviour, Crime and Policing Act 2014 on **Mario's Mini Market, Britannia Inn Shop, Lindley Street, Eastwood, Rotherham S65 1RT**. After hearing our Evidence, the court ruled that the premises should be closed for **Three Months**.

On **19th December 2024**, I went to Mario's Mini Market to have the premises grilled up. During this visit we found further Cigarettes concealed in the ceiling of the shop.

The total was:

720 sticks = £520.00.

On **21st March 2025**, the grills were taken off the premises Mario's Mini Market Ltd, Britannia Inn Shop, Lindley Street Eastwood Rotherham S65 1RT.

Under the **Anti-social Behaviour, Crime and Policing Act 2014, A Community Protection Warning** was served on Mr Marion Tancos, As the named Director since 23rd April 2023 and the **Sole Director** since 24th November 2024 on Companies House for the business known as **Mario's Mini Market**, (under company number 14990357) currently trading from **Britannia Inn Shop 1 Lindley Street Eastwood Rotherham**. Mr Tancos has sole responsibility and liability for the above-mentioned premises and how your business has an effect to the locality from which it Trades within.

This Community Protection Warning is dated the **21st March 2025**, the behaviour that was highlighted in the warning was to cease with **immediate effect** and the warning is in place **indefinitely**.

This **premises** and the **sole director of Mario's Mini Market, namely Mr Marion Tancos** of 89 Pembroke Street, Rotherham S61 2LZ remains under investigation in respect of potential offences of fraudulent trading, supplying counterfeit tobacco products, supplying tobacco products that do not meet the requirement for standardized packaging, supplying tobacco products that do not meet the requirement for combined health warnings, Selling Tobacco products without an Economic Operator ID Code.

Appendix 3

There are also several other offences that are being considered in relation to the following:

The Tobacco Products (Traceability and Security Features) Regulations 2023,

Standardised Packaging of Tobacco Regulations 2015,

Tobacco and Related Products Regulations 2016 including amendments made by the Tobacco Products and Nicotine Inhaling Products Regulations 2020 and the Tobacco Products and Nicotine Inhaling Products Regulations 2019.

Fireworks Regulations Act 2004,

Explosives Regulations 2014,

Health & Safety at Work etc. Act 1974

The Human Medicines Regulations 2012,

Misuse of Drugs Act 1971,

Misuse of drugs Regulations 2001,

The Medicines Act 1968,

General Product Safety Regulations 2005,

Licensing 2003 Act,

Consumer Rights Act 2015,

Trades Mark Act 1994

The Environmental Protection Act 1994.

Given the above, the Trading Standards recommendation is that the application is refused.

Yours sincerely

Kim Fieldhouse

Lead Tobacco Control Officer

Trading Standards

Representation from Rotherham MBC Licensing Authority (acting as a Responsible Authority).

Britania Inn Shop, Lindley Street, Rotherham S65 1RT

I write with reference to the application for the grant of a Premises Licence in respect of the above premises.

The application seeks consent for the sale of alcohol, for consumption off the premises, on every day of the week between 11:00 hours (11am) and 23:00 hours (11pm).

The Licensing Authority is opposed the grant of this application as it considers that it will undermine the following licensing objectives:

- Preventing Crime & Disorder
- Protection of Children from Harm
- Public Nuisance

Despite not currently being licensed, the premises has come to the attention of the licensing team as a result of alcohol related anti-social behaviour and disorder. The premises has been visited by licensing officers on numerous occasions, and the proprietor / person in charge (who is the applicant) has been given a clear direction that alcohol must not be sold as there is no licence in place.

However, the owner would appear to have disregarded the advice and directions that they were given and has chosen to sell alcohol in the absence of a licence. This is evidenced by the prosecution of the applicant by South Yorkshire Police for the offence of exposing alcohol for sale by retail. There are also numerous instances where South Yorkshire Police and officers from the Local Authority have had cause to respond to disorder and antisocial behaviour centred around the premises.

The licensing service is also aware of the involvement of other regulatory within the Council that have undertaken enforcement action as a result of the activities that have taken place at the premises whilst under the proprietorship of the applicant.

It is abundantly clear that the applicant has a no regard for the rules and regulations related to the operation of a business of this nature, and the licensing authority have no confidence at all that the applicant will operate the premises in a manner which promotes the licensing objectives.

Given the challenges of the locality, specifically in relation to anti-social behaviour, alcohol related disorder and street drinking, it is considered that to allowing the sale of alcohol at the premises would undermine the licensing objectives as mentioned above. It is therefore recommended that the application is refused.

I am prepared to expand upon these matters further during a hearing before the Council's Licensing Sub-Committee, but in the meantime please feel free to contact me if you require anything further.

Yours Sincerely,

Alan Pogorzelec
Licensing Manager