

**LICENSING SUB-COMMITTEE**  
**7th May, 2025**

Present:- Councillor Hughes (in the Chair); Councillors Bennett-Sylvester and Steele.

**CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.17 OF THE LICENSING ACT 2003) BY MARIO'S MINI MARKET LTD. FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF THE PREMISES KNOWN AS BRITANIA INN SHOP SITUATED ON LINDLEY STREET, EASTWOOD, ROTHERHAM, S65 1RT**

Consideration was given to an application (made in accordance with Section 17 of the Licensing Act 2003) for the grant of a Premises Licence in respect of premises known as Britania Inn Shop situated on Lindley Street, Eastwood, Rotherham S65 1RT.

The applicant, Mario's Mini Market Ltd., was seeking authorisation to allow:-

- Retail sale of alcohol for consumption off the premises only. The application was seeking authority for the sales to take place between 11:00 hours and 23:00 hours on every day of the week

The premises were described in the application as a shop with a ground floor and no outside seating area.

The applicant had offered 15 management control conditions in the application.

Consultation on the application had been carried out in accordance with all statutory requirements and the Council procedure. At the end of the consultation period, all of which were opposed to the grant of the application, representations had been received from 3 Responsible Authorities.

The applicant, Mr. Marion Tancos, was in attendance.

3 of the Responsible Authorities, South Yorkshire Police, the Council's Public Protection Unit (Environmental Health) and Trading Standards as well as the Licensing Authority, had made representations to the application. The Sub-Committee heard representations from Mrs. D. Kraus (Principal Licensing Officer) together with Alan Pogorzelec (representing the Licensing Authority), Inspector John Crapper (South Yorkshire Police) and Catherine Lunn (representing Community Protection and Environmental Health).

The objections of South Yorkshire Police were based on all 4 licensing objectives i.e.:-

- Prevention of crime and disorder.
- Public safety.
- Prevention of public nuisance
- Protection of children from harm.

and raised the following concerns:-

- The locality had previously had issues with anti-social behaviour attracting street drinkers who congregated in the area drinking alcohol, vaping and taking drugs
- The applicant's suitability to operate a licensed premise
- Numerous calls made to South Yorkshire Police during the course of summer 2024 including a group of 50-60 people under the influence of drink congregated outside the premises, sat on chairs blocking the pavement; intimidating men sat outside the shop drinking, drinking in the public park opposite the shop
- In October 2024 reports received that Mario's was selling alcohol without a licence. Officers had observed people outside the premises drinking alcohol and on entering the shop had found a keg of beer attached to a pump used for dispensing drinks. The 2 members of staff had directed the officers to a gentleman, Lukas Tancos, who was not in the shop at the time. He was later interviewed and pleaded guilty for offering alcohol for unlicensed sale
- A further visit was made in December 2024 due to reports of the premises selling/storing fireworks without the appropriate authority from the Fire Service. Alcohol was again found as well as prescription medicines some of which were Class C drugs. An investigation was being conducted jointly with Trading Standards into the latter which had not yet concluded
- The whole of Eastwood was subject to a Public Spaces Protection Order in order to maintain good order and decrease anti-social behaviour in the locality

The objections of the Licensing Authority were based on 3 of the licensing objectives i.e.:-

- Prevention of crime and disorder
- Protection of children from harm
- Public nuisance

and raised the following concerns:-

- Despite not currently licensed, the premises had come to the attention of the Licensing Team due to alcohol related anti-social behaviour and disorder
- Licensing Officers had visited the premises on numerous occasions with the proprietor/person in charge (who was the applicant) being given a clear direction that alcohol must not be sold as there was no licence in place
- The advice appeared to have been disregarded evidenced by the prosecution of the applicant by South Yorkshire Police for the offence of exposing alcohol for sale by retail
- The Licensing Service was aware of the involvement of other regulatory bodies within the Council that had undertaken enforcement action as a result of activities that had taken place at the premises
- During the time that all the concerns of the Responsible Authorities were taking place, Mr. Marion Tancos was a director of Mario's Mini Market Ltd. with Lukas Tancos present when many of these activities took place/was manager of the shop
- The Licensing Authority had no confidence that Mr. Tancos was a responsible person to ensure that the licensing objectives were upheld or that any of the conditions attached to the licence would be adhered to
- The premises had been visited by a Licensing Enforcement Officer at the time concerns were expressed and advice given in respect of the licensing objectives and the requirements for the sale of alcohol but would appear that the advice was not understood/disregarded

The objections of the Community Protection Unit were based on 2 of the licensing objectives i.e.

- Prevention of crime and disorder.
- Prevention of public nuisance

and raised the following concerns:-

- Complaints received from residents in April 2024 regarding noise and anti-social behaviour from the commercial premises
- Out of Hours Team had witnessed large gatherings of people outside the premises listening to music and drinking alcohol on 2 occasions in June 2024
- Visit by South Yorkshire Police on 28<sup>th</sup> June, 2024, where alcohol had been seized
- Following calls from residents to the Out of Hours Team on 23<sup>rd</sup> September and 4<sup>th</sup> October, 2024, and a visit was made on 31<sup>st</sup> October, 2024, a large group of youths were witnessed setting off fireworks in the village area
- The Police carried out a visit to the premises on 4<sup>th</sup> November, 2024, and seized a large quantity of fireworks, alcohol and counterfeit cigarettes

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- Phone calls from residents continued throughout November 2024 regarding the premises stating continued anti-social behaviour and street drinking around the shop
- Food Safety and Trading Standards had attended the premises on 26<sup>th</sup> November, 2024, and found food safety issues for which a Hygiene Emergency Prohibition Notice was served. Illicit alcohol, cigarettes, E-cigarettes and medication were also seized and the property closed for the food hygiene issues
- The Unit had no confidence that the premises would operate legally or cease behaviour to cause alarm and distress for local residents

The objections of the Trading Standards Service were based on 3 of the licensing objectives i.e.

- Prevention of crime and disorder.
- Prevention of public nuisance
- Protection of children from harm

and raised the following concerns:-

- The premises had been under investigation for the sale of fireworks without a licence, selling alcohol without a licence, selling illicit tobacco, illicit vapes and selling prescription drugs (some of which were classed as Class A) since November 2024
- As part of Operation Dark Nights, South Yorkshire Central Neighbourhood Team had attended the premises on 1<sup>st</sup> November, 2024, and seized:-
  - Cigarettes – 460 sticks, 23 packets – street value £345.00
  - Alcohol – 18 bottles, 9 cans – street value £410.00
  - Fireworks – street value £1,845.00
  - Street value for total seizure £2,600.00
- The tobacco items were not fit for the UK market. The business owner did not have an Economic Operators Licence to enable the buying of tobacco to sell; a requirement of HMRC
- The alcohol was seized as the premises, nor the business owner, had a licence to sell alcohol.
- Fireworks were seized as the premises did not have the required licence by South Yorkshire Fire and Rescue Service to store and sell fireworks. The seized fireworks should not be sold on the UK market as they are banned and not fit under product safety UK Regulations
- A further visit on 26<sup>th</sup> November, 2024, revealed that the premises were continuing to serve illicit tobacco (both cigarettes and vapes) as well as many foreign medications on the shelf for sale as well as a large container full of foreign medications priced up for sale
- A search had found further concealed illicit cigarettes within a cupboard to the rear of the store as well as alcohol and counterfeit branded accessories

- During the search the hygiene of the shop came into question and cockroaches found. There was also 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
- Items seized during the visit had totalled £19,439.07
- As a result of the enforcement activity on 1<sup>st</sup> and 26<sup>th</sup> November, 2024, the Local Authority had moved forward with a Closure Order (17<sup>th</sup> December 2024)
- Sheffield Magistrates Court on 18<sup>th</sup> December, 2024, had ruled that the premises should be closed for 3 months
- On 21<sup>st</sup> March, 2025, under the Anti-Social Behaviour, Crime and Policing Act 2014, a Community Protection Warning was served on Mr. Marion Tancos, Named Director, since 23<sup>rd</sup> April, 2023, and the Sole Director since 24<sup>th</sup> November, 2024, on Companies House for the business known as Mario's Mini Market currently trading from Britania Inn Shop, 1 Lindley Street, Eastwood, Rotherham. The behaviour highlighted in the warning was to cease with immediate effect and the warning was in place indefinitely
- The premises and the Sole Director of Mario's Mini Market, Mr. Marion Tancos, remained under investigation in respect of potential offences of fraudulent trading, supplying counterfeit tobacco products, supplying tobacco products that did not meet the requirements for standardised packaging, supplying tobacco products that did not meet the requirement for combined health warnings and selling tobacco products without an Economic Operator ID Code

The Sub-Committee was advised by Legal Services that there were ongoing legal investigations. Mr. Tancos had not been summoned in relation to any as yet but advised that the Sub-Committee's questioning should relate to the content of the report submitted.

In response to questions, the applicant provided the following information:-

- He apologised for what had happened in the past; they had not known how to run a business and had done it as they would have done in their home country and not followed the legislation here. They had now learnt from the Council and Police that they had to abide by the rules
- They would try their best to run the business and follow the rules
- The entrance to the shop would be from Lindley Street and exit from Selborne Street
- Mr. Andrej Cica was in the process of applying for a Personal Licence to Derby City Council, the city where he lived
- Mr. Lukas Tancos was his son
- Advice had been given to the people working in the shop but they did not understand the language
- Mr. Tancos had been given advice on putting the management controls together for the application form

- There would be 4 CCTV cameras – 1 monitoring 24 hours outside the premises, another monitoring the tills, another the shop floor and the last one covering the storage area
- Mr. Tancos would be providing the training to staff and he would be at the premises most of the time
- He would not allow groups of people to congregate outside the premises
- Mr. Tancos had now moved and lived on Pembroke Street
- Mr. Tancos claimed that no-one had told him that they needed a licence to sell alcohol
- During the period the shop was closed they had learnt how to run it
- The medication that had been on sale in the shop had been bought from Slovakia where they were available without prescription
- Mr. Tancos had only been involved with the shop since June 2023 and had visited once a month and had carried out the deliveries. He had taken on the role of being in charge in November 2024 and from when it had re-opened (21<sup>st</sup> March 2025) he had been there every day.
- Mr. Marion Tancos had been a director on paper of Mario's Mini Market. Mr. Lukas Tancos had left the company in November 2024
- There were now new staff at the shop
- Mr. Tancos did not understand a number of the management controls contained on the application form i.e. Challenge 25, keeping of an incident log

Resolved:- That the application, as amended, for the grant of a Premises Licence in respect of premises in respect of premises known as Britania Inn Shop situated on Lindley Street, Eastwood, Rotherham S65 1RT be refused.