

Licensing Sub-Committee

**Thursday 1 September 2016 at 10.00
am**

**To be held at the Town Hall, Pinstone
Street, Sheffield, S1 2HH**

The Press and Public are Welcome to Attend

Membership

**Councillors Alan Law (Chair), Jack Clarkson and Anne Murphy
Bob Pullin (Reserve)**

PUBLIC ACCESS TO THE MEETING

The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

As a lot of the work of this Committee deals with individual cases, some meetings may not be open to members of the public.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday.

You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

If you require any further information please contact Harry Clarke on 0114 273 6183 or email harry.clarke@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**LICENSING SUB-COMMITTEE AGENDA
1 SEPTEMBER 2016**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting
- 5. Licensing Act 2003 - Abbey Stop Shop, 243-245 Abbeydale Road, Sheffield, S7 1FJ**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

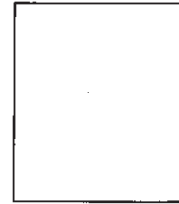
To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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SHEFFIELD CITY COUNCIL Committee Report



Report of: Steve Lonnia, Chief Licensing Officer (Head of Licensing)

Date: 1st September 2016

Subject: Licensing Act 2003
Application for the review of a premises licence

Author of Report: Matt Proctor

Summary: To consider an application for the review of a premises licence
Abbey Stop Shop, 243-245 Abbeydale Road, Sheffield, S7 1FJ

Recommendations: That members carefully consider the application for review along with any other representations made and take such steps that the Committee consider necessary for the promotion of the Licensing Objectives

Background Papers: Attached documents

Category of Report: OPEN

**REPORT OF THE CHIEF LICENSING OFFICER,
HEAD OF LICENSING, TO THE LICENSING SUB COMMITTEE**
1st September 2016

Ref No 81/16

LICENSING ACT 2003

Review of Premises Licence

Abbey Stop Shop, 243 – 245 Abbeydale Road, Sheffield, S7 1FJ

1.0 PURPOSE OF REPORT

- 1.1 To consider an application for the review of a premises licence made under Section 51 of the Licensing Act 2003 in relation to Abbey Stop Shop, 243-245 Abbeydale Road, Sheffield, S7 1FJ.

2.0 THE APPLICATION

- 2.1 The application is made by Sheffield City Council Trading Standards (Weights and Measures Authority) and was received by the Licensing Service on 18th July 2016.
- 2.2 The grounds for the review are based on the following objectives of the 2003 Licensing Act :-
- **The Prevention of Crime and Disorder**
 - **Public Safety**
 - **The Protection of Children from harm.**
- 2.3 The application form is attached at Appendix 'A' and details further the grounds for the review application.

3.0 REASONS FOR REFERRAL

- 3.1 The Licensing Authority must under the Act refer any application for review to the Licensing Committee, unless it is withdrawn, or if representations are made by an interested party that the Licensing Authority are of the opinion that they are frivolous or vexatious.
- 3.2 The Licensing Authority has, during the representation period received representations from the following:-
- a) Sheffield Safeguarding Children Board Appendix 'B'
- 3.3 The applicant, the Premises Licence Holder and any other person that has made representations have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'C'.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific financial implications arising from this application. However additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all these costs. The impact of these additional costs (if any) will be kept under review and may be subject of a further report during the year.

5.0 THE LEGAL POSITION

- 5.1 The Licensing Act 2003 at section 52(3) requires that the Licensing Authority must, having regard to the application and any relevant representations, take such steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

- 5.2 Section 52(4) states:

"The steps are –

- a) To modify the conditions of the licence;
- b) To exclude the licensable activity from the scope of the licence;
- c) To remove the designated premises supervisor;
- d) To suspend the licence for a period not exceeding three months;
- e) To revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted, or any new condition added."

- 5.3 If members decide to take the steps referred to in (a) or (b) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

- 5.4 The Licensing Act 2003 at section 52(11) states that:

"A determination under this section does not have effect –

- a) until the end of the period given for appealing against the decision, or
- b) if the decision is appealed against, until the appeal is disposed of."

- 5.5 The Licensing Act 2003 at section 4(1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as: -

- a) the prevention of crime and disorder,
- b) public safety,
- c) the prevention of public nuisance,
- d) the protection of children from harm.

- 5.6 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published Statement of Licensing Policy and any guidance issued by the Secretary of State under Section 182.

6.0 HEARINGS REGULATIONS

- 6.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.
- 6.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'C'.
- 6.3 Attached at Appendix 'C' is the following: -
- a) a copy of the Notice of Hearing;
 - b) the rights of a party provided in Regulations 15 and 16;
 - c) the consequences if a party does not attend or is not represented at the hearing
 - d) the procedure to be followed at the hearing.

7.0 APPEALS

- 7.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant; the holder of the premises licence and those making representations against decisions of the Licensing Authority to the Magistrates Court.

8.0 RECOMMENDATIONS

- 8.1 That members carefully consider the application for review along with any other representations made and take such steps as detailed in paragraph 5.2 above that the Committee consider necessary for the promotion of the Licensing Objectives.

9.0 OPTIONS OPEN TO THE COMMITTEE

- 9.1
- a) modify the conditions of the licence;
 - b) exclude a licensable activity from the scope of the licence;
 - c) remove the designated premises supervisor;
 - d) suspend the licence for a period not exceeding three months;
 - e) revoke the licence; or
 - f) reject the application for review.

Steve Lonnia

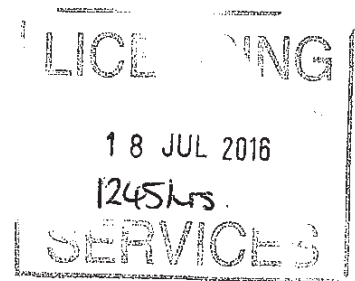
Steve Lonnia,
Chief Licensing Officer, Head of Licensing
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot
Sheffield
S9 3HD.

1st September 2016

Appendix A

The Application / Current Premises Licence

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



(1)

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

(2) I/We David Palmer

apply for the review of a [premises licence under section 51]

[club premises certificate under section 87] of the Licensing Act 2003 for the premises
described in Part 1 below

Part 1 - Premises details or club premises details

Postal address of premises or club premises, or if none, Ordnance Survey map reference or description	
Abbey Stop Shop 243- 245 Abbeydale Road	
Post town Sheffield	Post code S7 1FJ
Telephone number (if any)	
Name of premises licence holder or club holding club premises certificate (if known)	
Osman Kadir	
Number of premises licence or club premises certificate (if known)	
SY 1929 PR	

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete section (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

Delete any words in square brackets which do not apply

(1) Insert name and address of relevant licensing authority and its reference number (optional)

(2) Insert name(s) of applicant

Please tick ✓ yes

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2) a responsible authority (please complete section (C) below)

3) a member of the club to which this application relates (please complete section (A) below)

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

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current address

Post town

Post code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT (fill in if applicable)

Name and address

Post town

Post code

Telephone number (if any)

E-mail address
(optional)

Name and address	
Sheffield City Council Trading Standards(Weights & Measures Authority) 5 th Floor Howden House Union Street	
Post town Sheffield	Post code S1 2SH

Telephone number (if any)

E-mail address (optional)

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 1)

1. On 9th March 2016, Trading Standards Officers carried out an inspection of Abbey Stop Shop, in order to check the authenticity of the alcohol and tobacco products in stock. They were assisted by a specially trained search dog and handler, and Police Officers. In a store room at the rear of the shop, Officers found a chest of drawers which had been carefully modified with the addition of a hidden catch. This catch released the top surface of the chest, allowing it to be easily moved to reveal a concealment behind the drawers. 3560 cigarettes and 5 x 50g packs of hand rolling tobacco (HRT) were found hidden there.
2. All of the tobacco products were illicit, some being counterfeit copies of genuine brands (a criminal offence) and some produced wholly for the global trade in illicit tobacco. Statutory health warnings were missing (also a criminal offence) and all were non-duty paid (smuggled).
3. Knowingly keeping on licensed premises, smuggled products, which have been imported without the payment of duty or otherwise unlawfully imported, is an offence under S144 of the Licensing Act 2003.
4. Smoking is known to be hazardous to health, but the public's safety is put at greater risk with illicit tobacco products. The public is entitled to expect that the products they smoke are as reasonably safe as possible. Counterfeit and illicit products are unlikely to have been produced with the strict quality controls employed by legitimate manufacturers.
5. Children are at increased risk from smoking illicit tobacco. Although sales are prohibited to under 18s, it is not illegal for children to smoke and they are put at increased risk from the uncontrolled levels of harmful chemicals that are often present in counterfeit and illicit tobacco products. Cheap cigarettes also make them more affordable to children.

1. On 6th June 2016, the Premise Licence Holder and Designated Premises Supervisor, Osman Kadir, was interviewed by Trading Standards Officers. He admitted building the concealment himself in an effort to avoid detection. Mr Kadir admitted buying the counterfeit illicit tobacco products from a Polish male who visited the shop, for £400. He said that he sold these products because his customers wanted cheap cigarettes. He also admitted that the proceeds of this criminal activity did not go into the shop till, but into his pocket.
2. Mr Kadir has been prosecuted previously for the possession for sale of counterfeit and illicit tobacco found in the same shop, on 14th May 2015. On that occasion, he had concealed the goods in his car which was parked outside the shop. After Mr Kadir failed to co-operate, Police Officers broke into the car to reveal over 6000 cigarettes and 58 packs of HRT which were counterfeit and illicit. On 28th January 2016, Osman Kadir pleaded guilty to two specimen offences under the Trade Marks Act 1994 and was fined £300 with £450 costs. This was only six weeks before the most recent seizure.
3. This licensed premise has a further history in relation to the sale of cheap and illicit tobacco. The previous proprietor/ licensee/DPS was prosecuted twice by Sheffield Trading Standards for similar offences.
4. Illicit Tobacco is described as not having had the duty paid on it or that has been smuggled or illegally produced. Cheap and illicit tobacco undermines any work to reduce smoking prevalence that the impact of taxation and other tobacco control measures put in place. Measures such as raising the age of sale to 18 and picture health warnings on packaging are rendered less effective whilst illicit tobacco exists.
5. The revenue loss from the supply of illicit and counterfeit tobacco in the UK has been estimated by HMRC to be around £2-3bn per year. Whilst the impact on Government revenue is extremely high, the more worrying concern is the potential increase in the health risks associated with unregulated products and the relatively risk free funding that such trade provides for organized crime groups.
6. Smuggling and counterfeiting of tobacco products increases its availability, with it often being sold at less than half the tax-paid UK legitimate price.
7. The Home Office guidance issued under Section 182 of the Licensing Act 2003 states:-
*"11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises: for the sale or storage of smuggled tobacco and alcohol.
11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered."*
8. It is contended that the events detailed in this application demonstrate that the Premise Licence Holder (who is also the Designated Premises Supervisor), is not competent to continue in these roles. He has repeatedly failed in his obligation to ensure that the business practices conducted at the premises are within the law. He has shown no regard for the public's safety in respect of tobacco products sales and children have been put at increased risk of harm.

Please tick ✓ yes

Have you made an application for review relating to these premises before?

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Day Month Year

If yes, please state the date of that application

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

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

Part 5 - Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent. (please read guidance note 4)
If signing on behalf of the applicant please state in what capacity.

Signature David Palmer

Date 18 July 2016

Capacity Senior Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
David Palmer Sheffield Trading Standards 5 th Floor Howden House Union Street	
Post town Sheffield	Post S1 2SH
Telephone number (if any) 0114 2736291	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) david.palmer@sheffield.gov.uk	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for review, if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

PART 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

Mr Osman Abdullah Kadir
47 Brook Road
Rotherham
S65 2UW

Telephone Number: 07455 178288

Registered number of holder, for example company number, charity number (where applicable):

Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Osman Abdullah Kadir
47 Brook Road
Rotherham
S65 2UW

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

Personal Licence Number: RM2629
Issuing Authority: Rotherham Metropolitan Borough Council

State whether access to the premises by children is restricted or prohibited:

Restricted

This Premises Licence shall be in force from the 13th May 2010.

Issued on: 24th May 2010.



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Steve Lonnia
Chief Licensing Officer
Head of Licensing Services
On behalf of Sheffield City Council (issuing licensing authority)

Sheffield City Council – For Office use only	
Variation of Premises Licence	No: Issue Date:
Variation of DPS	No: 3 Issue Date: 15/04/2015
Transfer of Premises Licence	No: 3 Issue Date: 15/04/2015
Minor Variation	No: Issue Date:
Change of Name/Address	No: Issue Date:
Amendment to Premises Licence	No: Issue Date:
Review	No: Issue Date:
Summary Review	No: Issue Date:

Annex 1A – Mandatory Conditions

Mandatory Condition 1 (Section 19 ss 2)

Where a licence authorises the sale of alcohol then no supply of alcohol may be made under the premises licence –

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Mandatory Condition 2 (Section 19 ss 3)

Where a licence authorises the sale of alcohol then every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Condition 3 (Section 20)

1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:
 - (a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).
 - (b) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.
2. In this section -
 - “children” means persons aged under 18; and
 - “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory Condition 4 (Section 21)

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

Annex 1B - Mandatory Condition effective from 28th May 2014:

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Annex 1C - Mandatory Conditions effective from 1st October 2014:

- 1.—(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.—(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Annex 2 – Conditions consistent with the operating schedule

1. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. CCTV will be in use and the recordings kept for 7 days.
3. Challenge 21 Scheme will be in operation.
4. Any new floor surfaces in public areas shall have a suitable non slip finish.
5. Shelving and display units for the purposes of displaying alcohol must be of suitable design, construction and adequately secured.
6. A satisfactory electrical certificate shall be provided.
7. The Premises Licence shall not become effective until the Health Protection Service have inspected the premises with regard to the shelving, electrical certificate and any new floor surfaces to ensure that these items have been appropriately addressed in respect of service requirements.

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

Plan Reference: 14/4/10. 243-245 Abbeydale Road

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Appendix 1

Appendix B

Representation –
Sheffield Safeguarding Children Board



Address correspondence to:

Julie Hague
 Sheffield Safeguarding Children
 Board - Licensing Project
 Floor 3
 Howden House
 Union Street
 Sheffield S1 2SH
 Telephone: 0114 2736753
 Email: Julie.hague@sheffield.gov.uk
 Fax: 0114 2734628

14.8.16

The Licensing Authority
 Licensing Service
 Business Strategy & Regulation
 Block C, Staniforth Road Depot
 Sheffield S9 3HD

Dear Sirs

**APPLICATION TO REVIEW THE PREMISES LICENCE: ABBEY STOP SHOP, 243 – 245
 ABBEYDALE ROAD, SHEFFIELD S7 1FJ**

I am writing to make a representation on behalf of the Safeguarding Children Board (SSCB) as the Responsible Authority for the protection of children from harm under the Licensing Act 2003. The reason for the representation is that the above premise has been evidenced to operate in a way that undermines the core objective for the protection of children from harm, under the Licensing Act 2003.

The evidence submitted by SCC Trading Standards demonstrates that illegal counterfeit tobacco products, which do not meet regulatory quality control standards or carry the necessary health warnings, have been available to purchase at this premises.

The Safeguarding Children Board takes a serious view of premises that are evidenced to sell illegal and high risk products, because these products may be consumed by children, either legally, having been purchased by an adult, or illegally if the age verification scheme at the premises is not rigorously enforced resulting in underage tobacco sales.

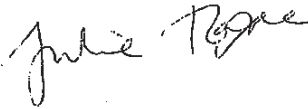
In response to the review application and following a complaint made to the police (26.7.16), in which the parent of a child complained that their child had purchased cigarettes from the shop, I visited the premises on 9th August in the company of Ms Topham, South Yorkshire Police. Whilst the premises had passed a recent test purchase conducted by the police, the visit was to establish what safeguarding systems are in place to prevent the sale of age restricted goods to children and whether any assistance is required. During the visit we had a discussion with Mr Hassan Ali Mohammed, a personal licence holder and part time member of staff who was in charge at the time. Mr Mohammed contacted Mr Amanj Shekho Manmi, the DPS, by telephone who appeared to authorise Mr Mohammed to speak on his behalf.

During the visit, I was concerned to note that there was no age verification scheme in place: there was no signage in the expected places (on the door, at the point of sale or on the display units), nor was there a refusals register. I advised Mr Mohammed of the importance of an age verification scheme in order to protect children from harm and Ms Topham provided the premises management with a multi-agency information pack containing all of the required materials and information to operate a recognised age scheme. I have subsequently written to the Designated Premises Supervisor to offer free multi agency training to improve compliance with the Licensing Act.

The Safeguarding Children Board is concerned at the premises' lack of an age verification scheme as this increases the risk of underage illicit tobacco sales taking place. The impact of smoking on children, including that of passive smoking, is well documented and the prevention of underage sales is a key objective of local strategies because smoking can significantly impact on a child's health and physical development.

In light of the above, the Safeguarding Children Board would ask the Licensing Sub Committee to take positive action to address the safeguarding concerns presenting at this premise.

Yours sincerely



JULIE HAGUE
Licensing Project Manager
Sheffield Safeguarding Children Board

Appendix C

Hearing Notices / Regulations / Procedures

**Notice of hearing to consider an
application for review of premises
licence and any relevant representations**

Mr Osman Abdullah Kadir
47 Brook Road
Rotherham
S65 2UW

Copy also sent to the premises marked for the attention of Mr Osman Abdullah Kadir.

The Sheffield City Council being the licensing authority, on the 18th July 2016 received an application for a review of a Premises Licences from Sheffield Trading Standards in respect of premises known as **Abbey Stop Shop, 243-245 Abbeydale Road, Sheffield, S7 1FJ**

During the consultation period the Council received a representation from Sheffield Safeguarding Childrens Board.

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Thursday the 1st September 2016 at 10am**; following which the Council will issue a Notice of Determination of the Application for Review. The documents which accompany this notice are the relevant representations which have been made, as defined in Section 52(7) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) Your response to the application for review, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to the application made for review the Premises Licence.

You should complete form LAR1 and return it to: The Licensing Service, Business Strategy and Regulation, Place Portfolio, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, within five (5) working days before the day or the first day on which the hearing is to be held.

Dated 18th August 2016

Signed Matthew Proctor
The officer appointed for this purpose

Please address any communications to:

The Licensing Service
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot,
Staniforth Road,
Sheffield,
S9 3HD.

**Notice of hearing to consider an
application for review of premises
licence and any relevant representations**

David Palmer
Sheffield Trading Standards (Weights and Measures Authority)
Sent by e-mail to david.palmer@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 18th July 2016 received your application for a review of Premises Licences in respect of premises known as Abbey Stop Shop, 243-245 Abbeydale Road, Sheffield, S7 1FJ.

During the consultation period the Council also received a representation from Sheffield Safeguarding Children Board.

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Thursday the 1st September 2016 at 10am**; following which the Council will issue a Notice of Determination of the Application for Review.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 52(7) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

You should complete form LAR1 and return it to: The Licensing Service, Business Strategy and Regulation, Place Portfolio, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, within five (5) working days before the day or the first day on which the hearing is to be held.

Dated 18th August 2016

Signed Matt Proctor
The officer appointed for this purpose

Please address any communications to:

The Licensing Service
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot,
Staniforth Road,
Sheffield,
S9 3HD.

**Notice of hearing to consider an
application for review of premises
licence and any relevant representations**

Julie Hague
Licensing Project Manager
Sheffield Safeguarding Children Board
Sent by e-mail to julie.hague@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 6th June 2016 received an application for a review of Premises Licences in respect of premises known as South Sea, 3 Spooner Road, S10 5BL.

During the consultation period the Council received representations from South Yorkshire Police Licensing.

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Thursday the 28th July 2016 at 10am**; following which the Council will issue a Notice of Determination of the Application for Review.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 52(7) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

You should complete form LAR1 and return it to: The Licensing Service, Business Strategy and Regulation, Place Portfolio, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, within five (5) working days before the day or the first day on which the hearing is to be held.

Dated 18th July 2016

Signed _____
The officer appointed for this purpose

Please address any communications to:

The Licensing Service
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot,
Staniforth Road,
Sheffield,
S9 3HD.

NOTES**Right of attendance, assistance and representation**

15. Subject to regulations 14(2) and 25, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

Representations and supporting information

16. At the hearing a party shall be entitled to –
- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice (as applicable),
 - (b) if given permission by the authority, question any other party; and
 - (c) address the authority

Failure of parties to attend the hearing

20. – (1) If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may:–
- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the party's absence.
- (3) Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

Procedure at hearing

21. Subject to the provisions of the Regulations, the authority shall determine the procedure to be followed at the hearing.
22. At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.
23. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.
24. The authority must allow the parties an equal maximum period of time in which to exercise their rights provided for at regulation 16.
25. The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may –
- (a) refuse to permit that person to return, or
 - (b) permit him to return only on such conditions as the authority may specify,
- but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

Regulation 8

- (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –
- (a) whether he intends to attend or be represented at the hearing;
 - (b) whether he considers a hearing to be unnecessary
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
- (3) In the case of a hearing under –
- (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
 - (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

- (4) In the case of a hearing under –
- (a) section 167(5)(a) (review of premises licence following closure order),
 - (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
 - (c) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

Licensing Act 2003 – Hearing Procedure (REVIEW) – Regulation 7 (1)

This procedure has been drawn up in accordance with the Licensing Act 2003 to assist those parties attending Licensing Committee hearings.

1. The hearing before the Council is Quasi Judicial.
 2. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
 3. The Chair will ask the applicants and other parties to formally introduce themselves.
 4. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
 5. Hearing Procedure:-
 - (a) The Licensing Officer will introduce the report.
 - (b) Questions concerning the report can be asked by Members the applicant and other parties.
 - (c) The Licensing Officer will introduce the applicant for review (or his/her nominated representative) who will be asked to detail the application.
 - (d) Members may ask questions.
 - (e) The Licensing Officer will in turn introduce representatives for the other Responsible Authorities and Interested parties who will be asked to detail their relevant representations
 - (f) Members may ask questions
 - (g) With the leave of the Chair the licensee or his representative may cross examine the representatives of the applicant for review and the other Responsible Authorities and Interested Parties.
 - (h) The licensee (or his/her nominated representative) will then be asked to respond to the application and to any other representations made.
 - (i) The licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
 - (j) The applicant will then be given the opportunity to sum up the application.
 - (k) The representatives of the Responsible Authorities will be given the opportunity to sum up
 - (l) The licensee will be given the opportunity to sum up
 - (m) The Licensing Officer will then detail the options.
 - (n) There will then be a private session for members to take legal advice and consider the application.
 6. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.
- NB:
- 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
 - 2) The Board Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.