

Licensing Sub-Committee

**Thursday 30 November 2017 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 David Barker (Chair), Vickie Priestley and Mick Rooney
Jack Clarkson (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
30 NOVEMBER 2017**

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 - Dubai Cafe, 25 London Road, Sheffield S2 4LA - Review of a Premises Licence**
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 Audit and 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: Chief Licensing Officer, Head of Licensing

Date: Thursday 30th November 2017

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

Author of Report: C Stephenson

Summary: To consider an application for the review of a premises licence submitted by Health & Safety Enforcement Authority.

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

LICENSING ACT 2003

Review of Premises Licence

Dubai Café 25 London Road Sheffield S2 4LA

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 Dubai Café 25 London Road Sheffield S2 4LA.

2.0 THE APPLICATION

2.1 The application was made by the Health & Safety Enforcing Authority on 5th October 2017.

2.2 The grounds for the review are based on the following aspects of the 2003 Licensing Act objectives:-

- Public Safety

2.3 The application form is attached at Appendix 'A' and details further the grounds for the review application.

2.4 A copy of the current premises licence is attached at Appendix D

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) | South Yorkshire Police | Appendix 'B' |
| b) | Sheffield Safeguarding Children Board | Appendix 'B' |
| c) | Licensing Service | Appendix 'B' |
| d) | Public Health | 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.

Appendix A

The Application

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

revd:-
05/10/2017
14:32
by email.

AI

(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** Shiva Prasad, Manager- Health & Safety Enforcing Authority

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 Dubai Café, 25 London Road	
Post town Sheffield	Post code S2 4LA
Telephone number (if any)	
Name of premises licence holder or club holding club premises certificate (if known) Hemen Russool	
Number of premises licence or club premises certificate (if known) SY1938 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

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

✓ yes

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

A2

(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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in if applicable)

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Name and address Health & Safety Enforcing Authority Environmental Regulation Sheffield City Council 5 th Floor North, Howden House 1 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)

The grounds for review are under Public Safety

Dubai Café, is a premises that is illegally operating as a Shisha Bar and blatantly flouting the Health Act 2016 which make it illegal to smoke indoors in public places. The operators have been prosecuted on three occasions (2013, 2014 and 2017) for allowing smoking to take place indoors.

Subsequent visits made to the premises in late October 2016 raised concerns about the safety of a gas appliance and the electrical wiring to the premises. Following these concerns two Statutory Improvement notices under the Health and Safety at Work etc Act 1974 were served late October 2016, which required them to produce a satisfactory Gas Safe certificate, and electrical condition report for the premises within 21 days. Neither notices were complied with so legal proceedings were initiated under the Health and Safety at Work etc Act 1974.

A Gas Safe certificate was eventually received, however; the credibility of the certificate was questioned with respect to ventilation and other technical points and immediate discussions were held with the gas engineer. The gas engineer later returned to the site to cap off the appliance and serve a warning notice. A prohibition Notice under Health and Safety at Work etc Act 1974 was served on the appliance following this information.

Page 12

LA 51-87

Due to non-compliance with the statutory notices, a court hearing was held in Sheffield Magistrates Court on 29/8/17, during which an electrical certificate was produced. The court was adjourned so that further investigations could be made. The certificate had serious flaws and was not accepted.

On 27/9/17 a hand delivered letter was given to Dubai Café informing them that the Improvement Notice is still valid and requires them to produce a satisfactory electrical condition report and that they should arrange immediately for 100% of the electrical installation to be checked by a competent electrician, or potentially face further legal action.

During this visit I took further evidence which demonstrated outstanding concerns with respect to the electrical installation to the premises. Concerns were also passed onto South Yorkshire Fire and Rescue.

By reason of the aforementioned matters and in the interest of public safety, it is necessary and proportionate to request a review of the premises licence.

A4

Please tick ✓ yes

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

AS

Day Month Year

If yes, please state the date of that application

--	--	--	--	--	--

If you have made representations before relating to these premises, please state what they were and when you made them. No representation made in the past.

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

* insert amount
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [*,], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

AG

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



Date 5/10/17

Capacity Manager

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

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.

Appendix B

South Yorkshire Police – Representations
Safeguarding Children Board –
Representations
Licensing Service – Representations
Public Health - Representations

B1

BETWEEN

SOUTH YORKSHIRE POLICE

Complainant

- and -

DUBAI CAFÉ, LONDON RD, SHEFFIELD, S2 4LA

PLH – Hemen Russool

DPS – Sau King Cheng

Respondent

WITNESS STATEMENT OF

Cheryl Topham

I am the Licensing Enforcement Officer, employed by South Yorkshire Police currently based at Force Headquarters, Carbrook, Sheffield. I have been in my current role as Licensing Enforcement Officer for South Yorkshire Police for approximately 2 years. The premises named as Dubai Cafe was first brought to my attention in October 2017 when South Yorkshire Police received the Application to review which had been submitted by Health and Safety. After searching the police systems I found the following reports which have meant it necessary that South Yorkshire Police submit our own representations in support of Health and Safety.

- 1 On 11th February 2016, a call was made to South Yorkshire Police by a revenue protection officer on behalf of British Gas. He had been sent to Dubai Café, London Road to disconnect their supply of electricity. He said

that between 1st March 2012 and 9th February 2016 none of the bills had been paid by the occupant despite letters and offers from British Gas for some of the payment. Another member of staff from British Gas had visited the premises 3-4 times and had been met with hostility from the males at the location. It was suspected the occupant was tampering with the meter as their usage is zero. Between the dates above the electricity owed was £57000 - £59000. Electricity supply was cut at the premises at this time. After checking the crime report for this and speaking to the Officer in Charge, it appears this crime was investigated and had to be filed undetected. The Officer attempted to contact the complainant several times for a statement and more information so to progress the investigation, however, they never returned any calls. Therefore the crime was filed.

- 2 Then on 19th October 2017 a further call was made from British Gas to South Yorkshire Police stating since they cut the supply back in 2016 the occupier has got someone to reconnect the cable from the road and installed an illegal electricity meter. Between January 2016 – October 2017 the occupier has abstracted over £12000 of electricity. British Gas have been back to the address again this month and cut the cable again so that electricity cannot be used. This crime is currently with PC320 Rebecca Clarkson to investigate.
- 3 PC Clarkson visited the premises at 1945 on Monday 23rd October 2017 and I received an email from her in relation to her findings. Please see email included.

- 4 On 25th October 2017 I spoke to Sean Gibbons from Health and Safety.
He asked if I could organise an officer to attend the premises that evening to check if it was open and if they had a generator running at the rear of the premises. I liaised with Sgt David Cremin at Woodseats Police station and he tasked a PCSO with this.
- 5 I received an email from PCSO Tom Bower regarding his visit on 25th October. See email included.

I believe that the contents of this statement are true and I understand it may be placed before the court.

I also understand that the contents of this statement may be shared with agencies working in partnership with the South Yorkshire Police.

Signed.....*C. N. Topham*.....

Dated....31/10/17.....



South Yorkshire
POLICE

B4

Sheffield City Council Licensing
Block C
Staniforth Road Deport
609 Staniforth Road
Sheffield
S9 3GZ

Date: 31st October 2017

Dear Sir / Madam,

Re: Licensing Review – Dubai Café, London Road, Sheffield, S2 4LA

Please find attached papers which are representation from South Yorkshire Police in relation to the current License review application submitted by Health and Safety.

Yours Sincerely

Cheryl Topham
South Yorkshire Police Licensing Team
Force Headquarters
Carbrook House
Carbrook Hall Road
Sheffield
S9 2EH

Tel – (0114) 2523163

CHERYL TOPHAM

24

From: REBECCA CLARKSON
Sent: 23 October 2017 20:52
To: CHERYL TOPHAM
Subject: FW: Crime No: K/14442/2016 - Abstracting electricity Dubai Cafe

Morning Cheryl,

In relation to the below, I am the OIC for the current crime K/137668/17.

I have called the person reporting regarding a statement of complaint and awaiting an up date. Tonight approx. 19.45hrs I have attended at Dubai Café, which was open.

I spoke with a member of staff who called the owner. I wanted to see the electric supply and obtain details of the owner and manager so that I can continue with my investigation.

A wire was running from Dubai Café out of the back window, along the wall and into the neighbouring property, Ladbrookes. I spoke with staff who advised their manager was aware and just helping the Dubai Café out, the plug was supposed to supply a fridge with ice-creams and had been there for a couple of days. I pointed out it wasn't really safe to have a wire like that running outside for electric, staff and managers at Ladbrookes agreed so it was unplugged.

This took Dubai café into darkness. Most customers left anyway. Some remained and I pointed out to staff it was potentially a health and safety issue to stay open to the public without gas or electric on. Staff agreed, they wouldn't want a member of the public to fall over and injure themselves in the darkness. So staff started to close and ask people to leave.

I just wanted to make you aware.

I am off after tonight until day shifts Mon 30th, although I'm on driver training for 2 days. If there is anything urgent please call me on 07867657510.

I have no doubt they will open again tomorrow, even though they have no electric.

Thanks
Becky

PC320 Becky CLARKSON
D-Rota LPT

South Yorkshire Police
Sheffield South West Local Policing Team
Woodseats Police Station
699 Chesterfield Road
Sheffield, S8 0SL

T : 0114 2963634 (ext: 713634)
M: 07584 617267

From: DANIEL RICE
Sent: 23 October 2017 16:28
To: REBECCA CLARKSON
Subject: FW: Crime No: K/14442/2016 - Abstracting electricity Dubai Cafe

B4

Hollis Georgina (CEX)

From: Tom BOWER <Thomas.Bower@southyorks.pnn.police.uk>
Sent: 25 October 2017 19:15
To: CHERYL TOPHAM
Cc: DAVID CREMIN
Subject: RE: Dubai Cafe

Good Evening,

The property was empty upon our arrival, with no internal lights on or no one inside, however the large display sign above the door was on powered on.

There was a large generator to the rear/side of the building although I was unable to tell if this was powering Dubai café or the restaurant joined to it, Candytown.

Please let me know if you need any more help with your enquires.

Regards,

Tom Bower
PCSO 8042
South West LPT
Woodseats Police Station
Nokia: 07780225469
Airwave: 8042

From: DAVID CREMIN
Sent: 25 October 2017 15:12
To: Tom BOWER <Thomas.Bower@southyorks.pnn.police.uk>
Cc: CHERYL TOPHAM <Cheryl.Topham@southyorks.pnn.police.uk>
Subject: Dubai Cafe

Tom,

This evening can you drive past the Dubai Café on London Rd (beneath Candy Town) and see if it is open. It should be obvious from the outside but if not try the door or see if anyone is coming / going. Also can you get access to the rear externally from the car park and see if there is a generator in use. Apparently there may be a large noisy one that is providing power to the address.

Nothing further to do apart from notice the above and report back via email to Cheryl Topham.

Thanks

Dave

Sergeant David Cremin

Sheffield South West Local Policing Team (Neighbourhoods)

South Yorkshire Police

BS



31.10.17

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

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

Dear Sirs

**APPLICATION TO REVIEW THE PREMISES LICENCE: DUBAI CAFÉ, 23/25
LONDON ROAD, SHEFFIELD S2 4LA**

I am writing on behalf of the Sheffield Safeguarding Children Board to make a Representation in relation to the above application. The reason for the Representation is that there are currently no conditions to prevent children from accessing the premises, which operates as an adult venue and at which the licence holder has failed to operate a recognised age verification scheme; this is a breach of the licence condition (Annex 2, condition 6) which requires the Challenge 21 scheme to operate at all times.

The Safeguarding Children Board is concerned that there is a history of non-compliance with smoking regulations and the licence holder has failed to meet an acceptable level of due diligence in order to promote the core objectives of the Licensing Act 2003, placing the public including children and young people, at risk of harm.

The Safeguarding Children Board is concerned that despite repeatedly providing guidance to the licence holder regarding what is an acceptable standard for a recognised proof of age scheme, the guidance and verbal advice has been disregarded. In 2010, a set of criteria was produced by the Responsible Authorities (South Yorkshire Police, Trading Standards and the Safeguarding Children Board) to clarify to licensees what standards are expected and what they must do in order to operate a locally recognised scheme. (A copy of the criteria is attached at annex A to this letter.) This guidance is routinely given to operators wherever high risk age restricted products are sold, including shisha tobacco, or where the environment is adult orientated, so that operators can prevent underage sales and the admission of children and young people. In fact a range of information has already been hand-delivered to the management of this premises, during my attendance on multi-

agency visits in November 2016 and again in March 2017, when a safeguarding information pack was issued to the manager at the premises. This pack included:

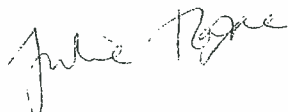
- A copy of the criteria setting out what constitutes a recognised age verification policy
- A safeguarding risk assessment tool
- An information leaflet produced by the Sheffield City Council about how to operate a shisha venue safely and in compliance with the law
- Information about the public health risks associated with smoking shisha style
- Contact details as to where to obtain further advice

During these visits, which were also attended by a number of agencies including South Yorkshire Police and Sheffield City Council Health and Safety Enforcement Officers, I have noted a lack of signage, training records were not available to demonstrate that staff had been trained to operate an age verification scheme and no refusals log was in place. I have also observed a number of people smoking lit shisha pipes in the indoor lounge at the premises.

Recently, on 24th October 2017 at 19:45 hours, I visited the premises to establish what safeguarding systems are in place for the protection of children from harm and to assess, in the absence of prohibiting licence conditions, whether the premises provides a suitable family friendly environment. During this visit I met with the premises licence holder, Mr Hemen Russool, who stated that he operates a 'no under 18's' policy; however when I asked for evidence of the Challenge 21 scheme, I was concerned that there was only 1 poster on display (this was not a Challenge 21 poster), staff training records were not available and the book described by Mr Russool as a refusals log, was unacceptable in that it did not contain sufficient information: the notes in the 'refusals log' consisted of a list of what appeared to be first names, along with some dates, there were no details of why a refusal had been made, or at what time of day, or a description of the customer etc. In my opinion the log produced by the licence holder did not constitute a refusals log which could fulfil any purpose. Again during this visit I observed that, despite the premises licence being under review, there was a number of people smoking lit shisha pipes in the indoor lounge at the premises in full view of the premises licence holder.

In light of the concerns regarding the evidence of irresponsible and illegal operation at the premises, the Safeguarding Children Board requests that the Licensing Sub Committee takes positive steps for the protection of children and young people who may be permitted to access this premises.

Yours faithfully



JULIE HAGUE
Licensing Manager
Sheffield Safeguarding Children Board



B7

SHEFFIELD MULTI-AGENCY TACKLING UNDERAGE SALES GROUP

Criteria for a Recognised Proof of Age Scheme

This guidance was produced by the Sheffield 'Tackling Underage Sales Group', a strategic partnership between the Licensing Authority, City Council Trading Standards, South Yorkshire Police and the Sheffield Safeguarding Children Board. Its purpose is to clearly set out the criteria that licensees and their staff are expected to meet in order to operate a proof of age scheme that is recognised and approved by the authorities in Sheffield.

For a proof of age scheme to be recognised and approved, it must seek to prevent access to persons under the age of 18 to adult premises and/or prevent the sale of all age restricted products, including alcohol, tobacco and adult magazines/publications and must operate the following components:

- **Proof of Age** must be requested if staff suspect that the customer is under the age of 18 years. To assist staff, the 'Challenge 21' rule or similar should be applied. This means that if a customer appears to be under 21 years of age staff must ask them to prove they are over 18. Documents acceptable as proof of age must have a photograph of the holder plus a date of birth, ie passport, driving licence or an ID card featuring the 'PASS' hologram. If the customer cannot prove they are old enough, admission / the sale must be refused.
- **Refusals Register** –when a refusal of admission or ejection is made this must be recorded. Records should include the date and time of the refusal, the product the young person attempted to buy or reason for refusal/ejection, a physical description of the customer and any other significant comments (for example if the incident was reported to the police; customer confrontation). The refusals register should be kept near the door/ till. Refusals registers should be retained made available to the authorities for inspection on request. Refusals records should be regularly checked by the premises management to ensure staff are completing them properly and to help management identify staff training needs.
- **Signage** to publicise the scheme should be prominently displayed throughout the premises, particularly at point of entry and point of sale and in alcohol display areas and around the till. This alerts customers to the fact that they may be asked to prove their age and can help staff to diffuse confrontations by transferring the blame on to the scheme/law. Signage also reminds staff to ask for proof of age.
- **Staff training** – staff should receive induction training prior to starting their duties and refresher training must be delivered regularly. Training records must be maintained and detail: the content of the training*, date, name and qualifications of the trainer, signatures of the trainer and trainee. Training records must also include evidence that the trainee has knowledge/understanding of the training (for example, a test or quiz, completed and signed by the trainee).

***The content of the training must include:** the admission policy; existing licence conditions and how to enforce them; the law in relation to young people and alcohol/ age restricted goods; what are age restricted goods; how to monitor for proxy purchase; the penalties for making an underage sale; how to make a refusal; how to record a refusal; types of acceptable ID and how to check it; the four core objectives of the Licensing Act 2003 and the premises policy for meeting the core objectives to ensure the premises operates legally and responsibly to prevent underage sales or access to children and young people if they are prohibited or restricted.

Please note: Membership of the Responsible Retailer scheme will help you to fulfil this criteria and comply with the Challenge 21 scheme. If you wish to join the scheme contact Greg Ward, Sheffield City Council Trading Standards, (0114) 2736241.

Licensing Service
Sheffield City Council
Block C, Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD



23rd October 2017

REVIEW OF A PREMISES LICENCE – OBJECTION: DUBAI CAFÉ, 25 LONDON ROAD, SHEFFIELD, S2 4LA.

I am writing as a Responsible Authority under the Licensing Act 2003 in support of the above application for the review of the premises licence. The review, submitted by the Health & Safety Enforcement Responsible Authority on 5th October 2017, relates to one of the core objectives under the Licensing Act 2003:

- Public safety

The Licensing Service (Responsible Authority) are supportive of the application for review as there is evidence that the premises have been operating as a shisha bar, allowing customers to smoke shisha inside the premises for a number of years. I believe that the premises are non-compliant with 'smoke-free' legislation for smoking to take place inside. The Licensing Service has provided witness statements to the Health & Safety Enforcement Team to support their prosecutions. I am also able to confirm that I have witnessed people smoking shisha inside the premises, the latest occasion when the review notices were served to the premises on 5th October 2017. In light of the above and the legal action already taken against the premises through the courts, the premises have continued to break the law and from my recent visits to the premises, I have not seen anything to demonstrate that the premises will not continue to break the law in the future. It is the opinion of the Licensing Service, that the Licence Holder falls somewhat short of the standards expected of a Licence Holder and does not comply with the smoke-free legislation that was introduced 1st July 2007.

The smoke-free legislation was introduced to prevent everyone from the harm associated with smoking. The Statement of Licensing Policy 2016 also refers to the Sheffield City Council Joint Health & Wellbeing Strategy which points out that smoking remains the single largest reversible cause of ill health in Sheffield, therefore, this type of operation to allow the smoking of tobacco and/or shisha inside premises does not fit in with the policies and strategies of Sheffield City Council as well as the smoke-free legislation itself.

In light of the comments made by the Health & Safety Enforcement Responsible Authority with regards to the premises safety and non-compliance with the statutory notices served on the Licence Holder, I believe that the Licence Holder is not an operator who demonstrates the promotion of operating a safe and compliant business and therefore, shall continue to compromise safety of patrons using the venue. Allowing customers to smoke inside the premises is a deliberate, criminal act and shows evidence of poor management and disregard for the licensing objectives.

By reason of the aforementioned points that have been made and in light of the review application, the Licensing Authority feel it necessary to support the review application made by the Health Protection Service in this case.



.....
Georgina Hollis
Licensing Enforcement & Technical Officer

B10

Greg Fell
Director of Public Health
Sheffield City Council
Town Hall
Sheffield
S1 2HH



Tel : 0114 2057463
Mob: 07891 564912
Email : greg.fell@sheffield.gcsx.gov.uk
@felly500

To whom it may concern

Evidence statement re: The impact of Shisha smoking on the health of the Sheffield population with respect to the licensing review for Dubai Café Shisha premise. Whom Sheffield City Council's Health and Safety Enforcement Team have found the premises to be operating illegally under the smoke free legislation repeatedly. I submit the following information below to be considered as impacting evidence.

Smoking is still the single biggest killer. In Sheffield smoking kills 16 people a week. It is estimated that 5 children start smoking every day in Sheffield. Tobacco is an addiction that begins in childhood. The majority of people begin smoking as teenagers, 67% before age 18 and 84% by age 19 very few start post twenty-one years. Smoking is a major cause of inequalities in death rates between the richest and poorest in the city. Cheap and Illicit tobacco, which is typically smoked by poorer individuals, exacerbates these health inequalities.

Smokefree legislation is effective in reducing harm

Smokefree legislation has been very effective in reducing the harms associated with tobacco in both workers and the general population, as has been found by numerous international pieces of research. There is no safe level of exposure to secondhand smoke. In 2010 a Cochrane review¹ of 12 studies found consistent evidence of reduction in hospital admissions for cardiac events following the implementation of Smokefree Laws.

Smokefree legislation changes social norms around smoking by reducing the visibility, acceptability of smoking. Evidence indicates that Smokefree legislation has contributed to a reduction in the amount that adults and young people smoke, increase the number of people who quit and has prevented children from starting. Breaches in the smokefree law undermine these outcomes.

Harm from Shisha smoking

Traditionally Shisha contains tobacco, so like cigarettes it contains nicotine, tar, carbon monoxide and heavy metals, such as arsenic and lead. As a result, children and young people who smoke shisha are at risk of the same kinds of diseases as cigarette smokers. Smoking Shisha causes serious risks to respiratory health both in the short and long term. Shisha smoker are two to six times more susceptible to coughs and increased phlegm, wheeziness and shortness of breath than those who do not smoke^[1] Smoking impairs lung growth in children and initiates premature lung function decline which may lead to an increased risk of chronic obstructive lung disease later in life.

The earlier children become regular users of tobacco and persist in the habit as adults, the greater the risk of developing lung cancer or heart disease. Children are also more susceptible to the effects of passive smoking. Bronchitis, pneumonia, asthma and sudden infant death syndrome (cot death) are significantly more common in infants and children and young people who have one or two smoking parents.

It's difficult to say exactly how much smoke or toxic substances you're exposed to in a typical shisha session. People smoke shisha for much longer periods of time than they smoke a cigarette, and in one puff of shisha you inhale the same amount of smoke as you'd get from a smoking a whole cigarette. The average shisha-smoking session lasts an hour and research has shown that in this time you can inhale the same amount of smoke as from more than 100 cigarettes. Therefore the risk to health could be more significant for those who smoke Shisha as opposed to cigarettes.

Some people mistakenly think that shisha smoking is not addictive because the water used in the pipe can absorb nicotine. In reality, because only some of the nicotine is absorbed by the water, shisha smokers are still exposed to enough nicotine to cause an addiction.

Shisha smoking in enclosed premises undermines our efforts to reduce smoking prevalence associated harm and health inequalities in Sheffield.

Sheffield City Council commissions a comprehensive programme of tobacco control in order to dramatically reduce smoking prevalence amongst adults, children and pregnant women.

SCC vision is: that people will live longer healthier lives, smokefree and we will achieve a Smokefree generation by 2025, Sheffield children will grow up in a city where smoking is unusual. Sheffield will be a smokefree city in which to live, work and play.

The programme focuses on prevention measures - stopping children from starting, policy - increasing the number of Smokefree outdoor sites, identification of smokers, stop smoking support for adults and children, and harm reduction - swapping smoking for vaping for those smokers who cannot or will not stop.

Yours sincerely



Greg Fell
Director of Public Health

ⁱ http://www.cochrane.org/CD005992/TOBACCO_does-legislation-ban-smoking-reduce-exposure-secondhand-smoke-and-smoking-behaviour

Appendix C

Hearing Notices / Regulations / Procedures



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

Mr Hemen Rasool
61 Verdon Street
Sheffield
S3 9QL

The Sheffield City Council being the licensing authority, on the 5th October 2017 received an application for a review of Premises Licences in respect of premises known as **Dubai Café 25 London Road Sheffield.**

During the consultation period the Council received representations from South Yorkshire Police Licensing and the 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 30th November 2017 at 10.00am**; 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 7th November 2017

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.

Email - LicensingService@sheffield.ov.uk Page 31

NOTES

02

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.

LICENSING ACT 2003

Proposed for Food Use Fizzation - Square Sheffield 31
Type of Application: Review of a premises licence
Hearing Date: 11th March 2017

C3

Form LAR 1
Regulation 8

Notice of actions following receipt of notice of hearing

To **Licensing Service,
Sheffield City Council
Block C Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD**

I **Hemen Russool**

Of **Dubai Café**

hereby confirm that I have received the Notice of Hearing dated **9th March 2017** and notify you as follows **(please complete)**:

I intend to attend the hearing at 10.00 am on Thursday 21st March 2017.

I do not intend to attend the hearing

I intend to be represented at the hearing by:

I do not intend to be represented at the hearing by:.....

I consider the hearing to be unnecessary because:

.....

I request thatshould appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

Dated: Signed.....

Please see Regulation 8 overleaf

Please complete this form and return it to:
Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

CH

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

Cheryl Topham
Licensing Enforcement Officer
South Yorkshire Police
Licensing Dept

Emailed - Cheryl.topham@southyorks.pnn.police.uk

The Sheffield City Council being the licensing authority, on the 5th October 2017 received an application for a review of Premises Licences in respect of premises known as Dubai Café 25 London Road Sheffield S2 4LA

During the consultation period the Council received representations from Sheffield Trading Standards, South Yorkshire Police Licensing and 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 30th November 2017 at 10.00am**; 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 7th November 2017

Signed Clive Stephenson
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.

Email – licensing@sheffield.gov.uk

C5

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

Greg Fell
Director of Public Health
Sheffield City Council
Town Hall

Emailed - greg.fell@sheffield.gcsx.gov.uk

The Sheffield City Council being the licensing authority, on the 5th October 2017 received an application for a review of Premises Licences in respect of premises known as Dubai Café 25 London Road Sheffield S2 4LA

During the consultation period the Council received representations from Sheffield Trading Standards, South Yorkshire Police Licensing and Sheffield Safeguarding Children Board

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Dated 7th November 2017

Signed Clive Stephenson
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.
Email – licensing@sheffield.gov.uk

cb

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

Georgina Hollis
Licensing Enforcement & Technical Officer
Licensing Service

Emailed - georgina.hollis@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 5th October 2017 received an application for a review of Premises Licences in respect of premises known as Dubai Café 25 London Road Sheffield S2 4LA

During the consultation period the Council received representations from Sheffield Trading Standards, South Yorkshire Police Licensing and Sheffield Safeguarding Children Board

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Dated 7th November 2017

Signed Clive Stephenson
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.
Email – licensing@sheffield.gov.uk

C7

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

Julie Hague
Sheffield Safeguarding Children Board
Sheffield City Council

Emailed - Julie.hague@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 5th October 2017 received an application for a review of Premises Licences in respect of premises known as Dubai Café 25 London Road Sheffield S2 4LA

During the consultation period the Council received representations from Sheffield Trading Standards, South Yorkshire Police Licensing and Sheffield Safeguarding Children Board

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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 7th November 2017

Signed Clive Stephenson
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.
Email – licensing@sheffield.gov.uk



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

Shiva Prasad
Manager, Health & Safety Enforcing Authority
Sheffield City Council

Emailed - shiva.prasad@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 5th October 2017 received an application for a review of Premises Licences in respect of premises known as Dubai Café 25 London Road Sheffield S2 4LA

During the consultation period the Council received representations from Sheffield Trading Standards, South Yorkshire Police Licensing and Sheffield Safeguarding Children Board

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Dated 7th November 2017

Signed Clive Stephenson
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.

Email – licensing@sheffield.gov.uk

C9

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.

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.

Appendix D

Current licence

Licensing Act 2003 Premises Licence

Issue No: 2

SY001938 PR

LOCAL AUTHORITY

**Licensing Service****Place Portfolio**

Block C Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD

Tel: 0114 2734264

Email: licensing@sheffield.gov.ukWebsite: www.sheffield.gov.uk/licensing

The Sheffield City Council being the Licensing Authority under the above Act, hereby grant this licence in accordance with the requirements of the Licensing Act 2003 in respect of and subject to the conditions attached:

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Dubai Cafe

23/25 London Road, Sheffield, South Yorkshire, S2 4LA.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity	Day	Time From	Time To
F. Playing of recorded music (Indoors)			
	Sunday	9:00am	1:00am
	Monday	9:00am	1:00am
	Tuesday	9:00am	1:00am
	Wednesday	9:00am	1:00am
	Thursday	9:00am	1:00am
	Friday	9:00am	1:00am
	Saturday	9:00am	1:00am
I. Late night refreshment (Indoors)			
	Sunday	11:00pm	1:00am
	Monday	11:00pm	1:00am
	Tuesday	11:00pm	1:00am
	Wednesday	11:00pm	1:00am
	Thursday	11:00pm	1:00am
	Friday	11:00pm	1:00am
	Saturday	11:00pm	1:00am
J. Supply of alcohol for consumption ON and OFF the premises			
	Sunday	9:00am	1:00am
	Monday	9:00am	1:00am
	Tuesday	9:00am	1:00am

D3

Licensing Act 2003 Premises Licence

Issue No: 2

SY001938 PR

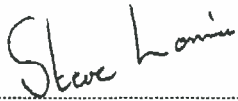
PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No: SY 0505 PER

Issued by: Sheffield

LICENCE DATES

Licence first effective date: 30 June, 2010
This Premises Licence shall be in force from: 30 June, 2010
Issue date of this licence: 5 October, 2017



.....
Steve Lonnia
Head of Licensing Services
On behalf of Sheffield City Council (Issuing Licensing Authority)

D4

ANNEXES

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.

2.For the purposes of the condition set out in paragraph 1-

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

ANNEXES continued ...

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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-

ANNEXES continued ...

- (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. The applicant must liaise with and fully comply with the reasonable requirements of the responsible authority towards public safety in the fit out of the premises.
3. No licensable activities will take place under the authority of this licence until the Authority has been notified that the premises are suitable. Any reasonable requirements of the public safe authority will be complied with in order to ensure that the premises are suitable for their intended use. The licensee will give the responsible authorities a minimum of 14 days notice of the intended opening date of the premises.
4. For works which require Building Regulation approval, a Building Regulation Completion Certificate shall be submitted to the public safety and licensing authorities before the premises is used for any licensable activities.
5. Alcohol will only be served with a table meal.
6. The Challenge 21 policy will be adopted and used at all times.

Annex 3 - Conditions attached after a hearing by the licensing authority**Annex 4 - Plans**

Plan Reference:

01 revision X Dated 26/05/2010
02 revision X Dated 26/05/2010

04

Licensing Act 2003

Issue No: 2

Premises Licence Summary SY001938 PR

LOCAL AUTHORITY



Licensing Service
Place Portfolio
 Block C Staniforth Road Depot
 Staniforth Road
 Sheffield
 S9 3HD
 Tel: 0114 2734264
 Email: licensing@sheffield.gov.uk
 Website: www.sheffield.gov.uk/licensing

The Sheffield City Council being the Licensing Authority under the above Act, hereby grant this licence in accordance with the requirements of the Licensing Act 2003 in respect of and subject to the conditions attached:

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Dubai Cafe

23/25 London Road, Sheffield, South Yorkshire, S2 4LA.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity	Day	Time From	Time To
F. Playing of recorded music (Indoors)			
	Sunday	9:00am	1:00am
	Monday	9:00am	1:00am
	Tuesday	9:00am	1:00am
	Wednesday	9:00am	1:00am
	Thursday	9:00am	1:00am
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I. Late night refreshment (Indoors)			
	Sunday	11:00pm	1:00am
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J. Supply of alcohol for consumption ON and OFF the premises			
	Sunday	9:00am	1:00am
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Licensing Act 2003

Issue No: 2

Premises Licence Summary SY001938 PR

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity	Day	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises	continued ...		
	Wednesday	9:00am	1:00am
	Thursday	9:00am	1:00am
	Friday	9:00am	1:00am
	Saturday	9:00am	1:00am

THE OPENING HOURS OF THE PREMISES

Day	Time From	Time To
Sunday	9:00am	1:30am
Monday	9:00am	1:30am
Tuesday	9:00am	1:30am
Wednesday	9:00am	1:30am
Thursday	9:00am	1:30am
Friday	9:00am	1:30am
Saturday	9:00am	1:30am

PLEASE NOTE:

In the event, that the hours permitted on this premises licence differ from those authorised on your planning consent, you MUST ONLY operate to which ever is the most restrictive permission.

Both Licensing and Planning carry out enforcement activities and if you are found to be in breach of either your premises licence and / or your planning consent, it may result in legal action being taken against you.

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Hemen Russool
61 Verdon Street, Sheffield, South Yorkshire, S3 8QL

07474049099

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

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Licensing Act 2003

Issue No: 2

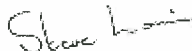
Premises Licence Summary SY001938 PR

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Restricted

LICENCE DATES

Licence first effective date: 30 June, 2010
This premises licence shall be in force from 30 June, 2010
Issued date of this licence: 5 October, 2017



.....
Steve Lonnia
Head of Licensing Services
On behalf of Sheffield City Council (Issuing licensing authority)

