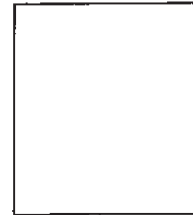




SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: Tuesday 21st March 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 South Yorkshire Police

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

S1 Food Bar and Off Licence 12 Fitzallen Square Sheffield S1 2AZ

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

2.0 THE APPLICATION

2.1 The application was made by the South Yorkshire Police on 21st February 2017.

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

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance.
- 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.

2.4 The review was a summary review and an Interim Steps hearing took place on the 22nd February 2017. The Licensing Sub Committee decision was suspend the Licence until the full review hearing. A copy of the decision notice is attached at Appendix D.

2.5 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The Licensing Authority must under the Act refer any application for review to the Licensing Committee, unless it is withdrawn, or if representations are made by an interested party that the Licensing Authority are of the opinion that they are frivolous or vexatious.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) | 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

COPY

A1

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Sheffield City Council Licensing Department
Staniforth Road
Sheffield

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I, I Superintendent [on behalf of] the chief officer of police for the South Yorkshire police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**S1 Food Bar and Off Licence
12 Fitzalan Square**

Post town: Sheffield

Post code (if known): **S1 2AZ**

2. Premises licence details:

Name of premises licence holder (if known): Mr Azhar HUSSAIN

Number of premises licence holder (if known): SY 1808 PR

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

The premise can be associated with serious crime, the circumstances are as follows:-

At 6.27pm on Tuesday 21st February 2017 a warrant was executed by police officers at the premise following intelligence gathering with regards to drug dealing at the premise. Under a police operation named as 'Op Leake', the premise has been identified as being key for drug activity and anti social behaviour around the Fitzalan Square area of the City. Also present at this time was a police licensing officer and a Trading Standards officer.

On entering the premise from both the front and rear entrance, officers saw three males stood behind the counter area of the shop/takeaway. At this time there were no customers inside.

The male nearest the rear door to the premise was stood in a corner holding in one hand, what are described as 'dealer scales'. At this time he was stood next to some metal containers whereby two bags of suspected cannabis bush was recovered.

A full search of the premise took place with the assistance of a drugs dog and handler. Further drugs paraphernalia were recovered inside the premise including approximately 30 small plastic bags inside a large cardboard box, there was also a box which appeared to have the remnants of cannabis bush. A cannabis air filter was found in the upstairs mezzanine area. Also in this area 79 packets of illegal tobacco were found hidden.

Upstairs in the premise was a room which had an appearance of being a small bedroom with a mattress and duvet, this looked as though it had recently been slept in.

Officers searching around the till area behind the counter found what is described as an adapted table leg into an offensive weapon. The piece of wood had been slightly carved at one end and a leather strap threaded through adapting it into a hand strap with the other end having a screw through it giving the appearance of a large baton.

The male member of staff was arrested on suspicion of possession of Class B drugs with intent to supply. At this time he was in possession of two mobile phones and refused to provide officers with any pin numbers for the phones which were subsequently seized.

The three members of staff were identified, one being the premise licence holder, Mr Azhar HUSSAIN. Of concern was the presence of a 15 year old child who informed that he had arrived in the UK alone from Afghanistan and currently living with foster parents. The third male at this time is currently remanded in custody and under an ongoing investigation.

The arrested male was searched on arrival into custody and was found to have secreted in his jeans pocket a tennis ball which had been covered in black tape. There was a slit through the middle and recovered inside the tennis ball were two small plastic 'dealer' bags, one contained what is suspected to be crack cocaine and the other suspected to be heroin. He is due to be interviewed today in custody in relation to possession of both Class A and Class B drugs with intent to supply.

When Mr HUSSAIN was asked about the 15 year old male he informed that he was doing work experience at the premise and his foster parents were aware of this. Officers took the child to his home address and spoke with his foster parents who had no knowledge of his attendance at the premise and they had believed that he was at Meadowhall. He was left in their care and further enquiries are being made by the police into this matter.

Mr HUSSAIN stated that the male who was under arrest had worked at the premise a while but denied any knowledge of the drugs recovered. Mr HUSSAIN will be interviewed in due course in relation to these matters and trading standards officers will interview him with regards to the illegal tobacco recovered. The Designated Premise Supervisor (DPS), Mr Nasir MAHMOOD was not present at the premise although Mr HUSSAIN stated that he had been during the day and sometimes visited every 2-3 days.

No further update can be provided in relation to the above at this time as the investigation is still ongoing from last night's events.

Police Licensing spoke with Mr HUSSAIN in relation to the conditions on his premise licence. This was a follow up to a previous joint visit to the premise on the 20th December 2016 with the Council Licensing Team and Sheffield Safeguarding Officer.

At the meeting on the 20th, we discussed with Mr HUSSAIN that there had been information that underage persons were purchasing cigarettes and alcohol from the premise. Mr HUSSAIN denied this, he was asked about the age policies at the premise.

Present on that occasion (20th) was Mr HUSSAIN and another male working in the takeaway area. This male has been identified as the same male that has been arrested during the execution of the warrant. During the visit Mr HUSSAIN was asked if the DPS was present. There was some avoidance in answering this question and it was difficult to ascertain whether or not they had any contact with the DPS but they stated that he did call in at the premise although they could not provide a contact number for him. Eventually the male member of staff who had been on his phone provided us with a number for the DPS.

The Safeguarding Officer requested to see refusal logs after Mr HUSSAIN stated that he did use one and carried out the Challenge 25 age policy. Unfortunately he was unable to find his refusal or incident logs. We asked to view the CCTV system as per licence condition and were told that the system had a PIN number that only the DPS had the number for. We requested that the PIN number should be obtained as soon as possible from the DPS so that footage can be viewed if requested by the authorities.

Both members of staff during the visit were quite evasive when asked questions in relation to the DPS and policies which should be in place at the

premise as per the premise licence conditions. They were informed that a further licensing visit would take place.

As a follow up, enquiries were made by the Council Licensing Team with regards to the named DPS on the licence. It transpired that the premise had been operating without a current DPS for approximately 9 months. On the 11th of January 2017 an application was submitted for the transfer of a new DPS named as Mr Nasir MAMOOD who is the current DPS at the premise.

At a later date Mr HUSSAIN was provided by Safeguarding and SYP with the relevant logs discussed at this meeting and given details of free safeguarding training.

On discussion with Mr HUSSAIN on the 21st February 2017 he was again unable to provide refusal logs and incident logs stating that he has too many refusals to write them down. Again there were found to be breaches of the premise licence conditions on this occasion.

From records in our possession we can report the following incidents are linked to the premise:-

At 15.09hrs on 14th February 2017 a report is made that the premise are dealing drugs from the back window where males are regularly seen coming to the back window, envelopes being passed around and 'street drinkers' smoking weed outside.

At 15.39hrs on 2nd January 2017 caller reporting that there is an ongoing issue on the street with street drinkers in the area which have been reported a number of times. A male had been kicking the main door to the students residence, shouting verbal abuse. Caller reported that the shop sells alcohol where a lot of people tend to congregate and caller suspects that the shop also sells drugs,

At 23.31hrs on 9th December 2016 report received from a member of the public reporting that a male was being aggressive and abusive towards staff and customers. The male was described as being well in drink and being hostile and threatening to the caller and he was reportedly intoxicated through drink or drugs. On police arrival the male had left, the owner of the shop was not overly concerned by the male, just wanted him removing as feared it would disrupt trade and other customers.

A further call relating to the same male was received at 00.41hrs on 10th December 2016 reporting that the male had returned again and was arguing with a customer. On speaking to the member of staff there were no complaints on this occasion.

At 22.48hrs on 13th November 2016 a 999 call received from a member of the public stating that four people were fighting next to the S1 takeaway. Although caller was some distance away they reported that males appeared to be black and had seen them punching and kicking each other. CCTV viewed the incident, although no fighting could be seen at that time, two males did appear to be agitated, a female was nearby. This was monitored throughout, on police attendance no one spoke to them directly, no complaints or confirmed offences.

At 21.33hrs on 10th November 2016 information was received that people are

smoking cannabis and have said they buy it from the S1 Food Bar.

At 13.58hrs on 27th October 2016 call received stating that students had reported to caller that they have seen three Asian males drug dealing outside S1 Food Bar in the last 15-20minutes. The group have been seen handing over parcels to people and then accepting a large wad of cash. The three males have then gone back into the takeaway.

At 19.29hrs on 14th October 2016 a call was received from the premise reporting a group of four to five people outside the shop in drink. Described as black males between 25-30 years. This happens regularly, almost everyday, sometimes they move on, sometimes they don't and often return the same evening. Business hours 1200-0300hrs, problems normally occur before 2100hrs. The caller was advised not to serve these people with alcohol as this is just encouraging them to congregate.

At 00.03hrs on 11th October 2016 an anonymous call was made to the police reporting that they had just witnessed what was believed to be drug dealing inside S1 Food Bar. Caller had seen three black males enter the takeaway and shake hands with two of the customers. Caller saw that when they shook hands they exchanged items in their hands. Described as black males, aged between mid 20's to late 30's.

At 12.46hrs on 5th October 2016 the gas company executed a warrant at the premise that morning as the owner owed £2000 in bills. The owner was not happy about this and was contacting his nephew.

At 14.37hrs on 30th September 2016 caller reporting that staff were unhelpful at the premise when they spoke to them about youths hanging around the the location of the premise. The male youths were described as around 16-18years of age in a group of 6/7, had whistled at caller and started to gather around him. Caller stated that he had felt intimidated by this group and left the area in his vehicle.

At 15.32hrs on 23rd September 2016 caller reported that there was information that the owners of S1 Food Bar were dealing drugs from the shop.

The above information is submitted for consideration due to the seriousness and South Yorkshire Police would be looking to the Licensing Board Committee for suspension of the premise licence during the interim period which includes the sale of alcohol and late night refreshment.

Signature of applicant:

Date:

[Handwritten Signature] Chief Supt
22/02/17

AB

Capacity: Superintendent

Contact details for matters concerning this application:

**Address: South Yorkshire Police Licensing Department, Force Headquarters,
Carbrook House, 5 Carbrook Hall Road, Sheffield, S9 2EH.**

Telephone number(s): 0114 2523618

Email: sheffield.liquor-licensing@southyorks.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

A8

SNM .

1400 hrs

ANNEX B

South Yorkshire Police
Force HQ
Carbrook House
5, Carbrook Hall Road
Sheffield
S9 2EH

COPY

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:
S1 Food Bar and Off Licence
12 Fitzalan Square
Sheffield
S1 2AZ

Premises licence number (if known): SY 1808 PR

Name of premises supervisor (if known): Mr Nasir MAHMOOD

I am a ^CSuperintendent ³ in the South Yorkshire police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

The premise can be associated with serious crime, the circumstances are as follows:-

At 6.27pm on Tuesday 21st February 2017 a warrant was executed by police officers at the premise following intelligence gathering with regards to drug dealing at the premise. Under a police operation named as 'Op Leake', the premise has been identified as being key for drug activity and anti social

¹ Delete as applicable.
² Include business name and address and any other relevant identifying details.
³ Insert rank of officer giving the certificate, which must be superintendent or above.
⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

behaviour around the Fitzalan Square area of the City. Also present at this time was a police licensing officer and a Trading Standards officer.

On entering the premise from both the front and rear entrance, officers saw three males stood behind the counter area of the shop/takeaway. At this time there were no customers inside.

The male nearest the rear door to the premise was stood in a corner holding in one hand, what are described as 'dealer scales'. At this time he was stood next to some metal containers whereby two bags of suspected cannabis bush was recovered.

A full search of the premise took place with the assistance of a drugs dog and handler. Further drugs paraphernalia were recovered inside the premise including approximately 30 small plastic bags inside a large cardboard box, there was also a box which appeared to have the remnants of cannabis bush. A cannabis air filter was found in the upstairs mezzanine area. Also in this area 79 packets of illegal tobacco were found hidden.

Upstairs in the premise was a room which had an appearance of being a small bedroom with a mattress and duvet, this looked as though it had recently been slept in.

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The male member of staff was arrested on suspicion of possession of Class B drugs with intent to supply. At this time he was in possession of two mobile phones and refused to provide officers with any pin numbers for the phones which were subsequently seized.

The three members of staff were identified, one being the premise licence holder, Mr Azhar HUSSAIN. Of concern was the presence of a 15 year old child who informed that he had arrived in the UK alone from Afghanistan and currently living with foster parents. The third male at this time is currently remanded in custody and under an ongoing investigation.

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premise a while but denied any knowledge of the drugs recovered. Mr HUSSAIN will be interviewed in due course in relation to these matters and trading standards officers will interview him with regards to the illegal tobacco recovered. The Designated Premise Supervisor (DPS), Mr Nasir MAHMOOD was not present at the premise although Mr HUSSAIN stated that he had been during the day and sometimes visited every 2-3 days.

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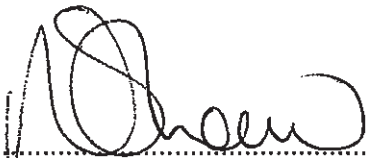
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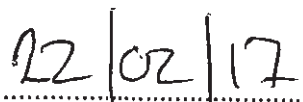
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The above information is submitted for consideration due to the seriousness and South Yorkshire Police would be looking to the Licensing Board Committee for suspension of the premise licence during the interim period which includes the sale of alcohol and late night refreshment.


.....
(Signed) Chief Supt


.....
(Date)

Appendix B

South Yorkshire Police – Representations
Safeguarding Children Board –
Representations



South Yorkshire
POLICE

31

The Licensing Service
Block C
Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD

Date: 8 March 2017

Dear Sir/Madam

Re – S1 Food Bar and Off Licence, 12 Fitzalan Square, Sheffield S1 2AZ.

Please find enclosed by way of service, additional papers from South Yorkshire Police in relation to the Summary Review application and certificate as required.

I can confirm that the following SYP representatives will be attending the hearing on the 21st March (10am):-

Mr J Whittaker – legal services
Inspector Neil Mutch
Sgt Scott Szymczak
Andrea Marsden

If you have any queries please do not hesitate to contact.

Yours faithfully

SYP Licensing Team, Force HQ, Carbrook House, 5 Carbrook Hall Road.

E mail address – Sheffield.liquour-licensing@southyorks.pnn.police.uk

Tel - (0114) 2523618

BZ

Re: S1 Food Bar and Off Licence, 12 Fitzalan Square, Sheffield, S1 2AZ.

INDEX TO BUNDLE OF DOCUMENTS

Compiled on March 2017

	DOCUMENT	REF
1.	Statement of Police Inspector Neil Mutch	Community Impact. Chronology of incidents
2.	Statement of PCSO Alison Thomas	Issues around Fitzalan Square area
3.	Statement of Andrea Marsden, Licensing Enforcement Officer	Licensing interventions at the premise
4.	Statement of Police Sgt 3229 Scott Szymczak	Relates to execution of warrant
5.	Statement of Police Constable 2941 Paul Briggs	Relates to issues around Fitzalan Square and execution of warrant
6.	Statement of Police Constable 234 Alan Le-Billion Payne	Relates to visit to the premise on 22 nd Feb 2017.

B3

BETWEEN

SOUTH YORKSHIRE POLICE

Complainant

- and -

**S1 Food Bar and Off Licence
12 Fitzalan Square, Sheffield.**

Respondent

**WITNESS STATEMENT OF
Police Inspector Neil Mutch**

I am a Police Inspector for South Yorkshire Police stationed at Snig Hill Police Station, Sheffield.

My previous role was based within the Sheffield Central Safer Neighbourhood Area (SNA). Under the new restructure I currently perform the role of Sheffield Central Local Policing Team (LPT) Neighbourhoods Inspector.

My primary geographical locations of responsibility include Sheffield City centre, Broomhall, Kelham Island, Broomhill and parts of Ecclesall Road, all of which are areas of the Sheffield Central LPT.

Since performing the above roles one of main areas of responsibility is to address Crime and Anti-Social Behaviour (ASB) within the aforementioned locations, which includes begging, substance misuse through alcohol and drugs, vulnerable adults and children and activity in and around licensed premises.

Fitzalan Square led me to specifically authorise the use of this power in the Fitzalan Square area during the day to disrupt anti-social behaviour in that area on a number of occasions throughout the summer.

On Tuesday 21st February 2017 a warrant was executed by police officers at a premise known as S1 Food Bar and Off Licence located at 12, Fitzalan Square, Sheffield. This was following intelligence gathering with regards to drug dealing at the premise. The premise had been identified as being key for drug activity and anti-social behaviour around the Fitzalan Square area.

From records in my possession, I can report that the following incidents have been reported and linked to this premise:-

At 15.09hrs on 14th February 2017 a report was made that the premise are dealing drugs from the back window where males are regularly seen coming to the back window, envelopes being passed around and 'street drinkers' smoking weed outside.

At 15.39hrs on 2nd January 2017 caller reported that there was an ongoing issue on the street with street drinkers in the area which have been reported a number of times. A male had been kicking the main door to the students residence, shouting verbal abuse. Caller reported that the shop sells alcohol where a lot of people tend to congregate and caller suspects that the shop also sells drugs.

At 23.31hrs on 9th December 2016 report received from a member of the public reporting that a male was being aggressive and abusive towards staff and customers. The male was described as being well in drink and being hostile and threatening to the caller and he was reportedly intoxicated through drink or drugs. On police arrival the male had left, the owner of the shop was not overly concerned by the male, just wanted him removing as feared it would disrupt trade and other customers.

A further call relating to the same male was received at 00.41hrs on the 10th December 2016 reporting that the male had returned again and was arguing with


At 12.46hrs on 5th October 2016 the gas company executed a warrant at the premise that morning as the owner owed £2000 in bills. The owner was not happy about this and was contacting his nephew.

At 14.37hrs on 30th September 2016 caller reported that staff were unhelpful at the premise when they spoke to them about youths hanging around the location of the premise. The male youths were described as around 16-18years of age in a group of 6-7, they had whistled at caller and started to gather around him. Caller stated that he had felt intimidated by this group and left the area in his vehicle.

At 15.32hrs on 23rd September 2016 caller reported that there was information that the owners of S1 Food Bar were dealing drugs from the shop.

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..... 

Dated..... 2/3/17.....

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of Alison Thomas.....

Age if under 18 Over 18.... (if over 18 Insert "over 18") Occupation: Police community support officer.....

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

Signature  (witness) Date: 24/02/17

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a police community support officer employed by south Yorkshire police authority currently stationed at Snig Hill police station in Sheffield. I am directed to regular patrols in Fitzalan Square Sheffield city centre for the Anti Social Behaviour, street drinking, drug dealing and drug using that is taking place in the Square and outside S1 Food Bar and Betfred, one of the squares betting shops. There is a core of about twenty males who congregate at this location, aged between 18 and 70 years. They are the cause of most of the issues in the square through their drinking, drunken behaviour, drug dealing, drug taking and intimidating behaviour.

On a regular basis we come across young vulnerable girls hanging around outside the S1 Food Bar and Fitzalan Square. The girls are generally aged between 14 and 20 years. They are associating with the males and being exposed to drug usage and drinking to excess. Most of the females that have frequented the square are known to police to be at risk of Sexual Exploitation and it is real concern when they are sighted in the area, as they seem to be drawn by what is on offer in the square. One such example happened on 24/06/16 in Fitzalan Square when I spoke to a 17 year old vulnerable female I know. She was frequenting Fitzalan Square and S1 Food Bar and associating with the male street drinkers of all ages that hang around the square. She was given advice not to frequent the area and hang around with the street drinkers as she is 17 years of age and the street drinkers also associating with the drug users and sellers. Despite this advice, she was seen again at that location again on 16/06/16. On 26/06/16, due to her ignoring the advice and putting herself at risk, a Parental Advisory Letter had to be issued to her parents

Signature:  Signature Witnessed by:

Continuation of Statement of: Alison Billups

Page 2

advising them of her association and other partner agencies were also informed, for example social services, such were our concerns.

Another example happened on 17/08/16 at 16.40hrs on Esperanto Place in Sheffield City Centre I spoke with two vulnerable females aged 18 and 19, both of whom had a history of being at risk of Child Sexual Exploitation. They were sat with the older street drinkers, exposing themselves to the drug taking and dealing. The girls really stood out as they were both young well, presented females, sat with dishevelled, alcoholic males. One of the females visited the square on a daily basis and often went into the S1 Food Bar. She would spend up to two hours in the location. We made real efforts with this female and interacted with her at every opportunity to prevent her from returning. Eventually we were successful.

On Wednesday 11/01/2017 at 15.35hrs when out on patrol in Fitzalan Square I saw a group of street drinkers in company with a 15 year old female who is known to be at risk of Child Sexual Exploitation. Again I intervened to try and remove this vulnerable female from the risk she was entering into.

Drug dealing is also a big problem in and around the square. For example, on 23/09/2016, I dealt with a report of drug dealing taking place in Esperanto place, Fitzalan Square Sheffield city centre, at the rear of S1 Food Bar. The witness gave a detailed description of what they had witnessed and the fact they witnessed it on a regular basis at this location. They stated on this occasion that they had witnessed packages being passed between people from the rear of the S1 Food Bar.

I have spoken to many legitimate service users of the square who have experienced intimidation by the groups hanging about outside S1 Food Bar. They have been offered drugs for sale, become the victim of theft, had inappropriate comments made, asked for cigarettes, asked for money or just been intimidated by the large groups that hang around.

I am also aware that there is student accommodation above Belfred and S1 Food Bar. The entrance to this accommodation is very close to the door of the S1 food Bar. I am aware that the owner of the building has fitted a metal door to the student accommodation to prevent damage caused by the groups hanging around. I am also aware that a lot of students use a rear fire escape to enter the building so that they avoid the

Signature:  Signature Witnessed by:

Continuation of Statement of: Alison Billups

Page 3

group hanging around the S1 Food Bar. I am aware the students go to the length of phoning each other to be let into the building via the rear fire escape such is their desire to avoid this group.

Signature:  Signature Witnessed by:

BETWEEN

SOUTH YORKSHIRE POLICE

Complainant

- and -

**S1 Food Bar and Off Licence
12 Fitzalan Square, Sheffield.**

Respondent

**WITNESS STATEMENT OF
Andrea MARSDEN**

I am a civilian Licensing Enforcement Officer, within South Yorkshire Police. I have worked in this role for approximately 7 years. As part of my role, I am responsible for dealing with licensing matters at premises within the Sheffield area.

At 12.50pm on Tuesday 20th December 2016 I attended at the premise together with Julie Hague (Sheffield Safeguarding Children's Board), Emma Rhodes and Georgina Hollis (Council Licensing Officers). The purpose of the visit was to speak to the management as Ms Hague had received reports of underage people attending the premise and obtaining alcohol and cigarettes from the shop.

Present at the premise were two staff, one stated that he was the premise licence holder, Mr Azhar HUSSAIN and the other worked in the takeaway area of the premise, he was identified as [REDACTED]. We asked if the Designated Premise Supervisor (DPS) was present. There was some avoidance in answering this question and it was difficult to ascertain whether they had any contact with the DPS who was named on the licence as [REDACTED]. They were

unable at the time of asking to provide a phone number for the DPS but stated that he did call in at the premise.

Eventually after [REDACTED] had been on his phone he provided the Council Officer with a number for the DPS.

Ms Hague explained the information in relation to the young persons, we asked to see the refusal logs after Mr Hussain stated that they do use one and carry out the Challenge 25 age policy scheme. Unfortunately, he was unable to find the refusals log or the incident log.

I asked to view the CCTV system as per licence condition, apparently the system has a pin number that only the DPS, [REDACTED] has so we were not able to view the CCTV. I explained that if Mr Hussain was working more often than not at the premise and [REDACTED] was not, then he should ensure that he obtains the pin number asap as if an incident happened at the premise then the footage would not be able to be viewed. He stated that he would get the pin number and we explained that a further visit would be made to the premise to ensure that this had been done.

During this visit it appeared that both members of staff were quite evasive when asked questions in relation to the DPS and systems which should be in place as per the premise licence conditions.

At the time of the visit, [REDACTED] provided us with his personal e-mail address so that the relevant documents could be e mailed to him and he would pass on to Mr Hussain.

At 9.24am on 22nd December 2016 I e-mailed a full information pack through to [REDACTED] requesting that he pass the information to Mr Hussain. This pack included refusal logs, incident logs, safeguarding children information and a patrol record and to ensure that they were completed in compliance of the premise licence conditions and good practice.

I am aware that the Council Licensing Team made some follow up enquiries in relation to the named DPS, [REDACTED] and it transpired that the premise had been operating without a current DPS for approximately 9 months. On the 11th of

B11

January 2017 we received an application for the transfer of a new DPS named as Mr Nasir MAMOOD who is the current DPS at the premise.

A follow up visit was not carried out due to intelligence gathering under the police operation named as 'Op Leake'.

At 6.27pm on Tuesday 21st February 2017 I was present whilst a warrant was executed by police officers at the premise.

Present at this time behind the shop counter was the premise licence holder, Mr Azhar Hussain, a member of staff [REDACTED] and a 15 year old male.

Officers carried out a search of the premise and a male present in the premise was subsequently arrested for possession of class A and class B drugs with intent to supply.

I spoke with Mr Hussain in relation to the conditions on his premise licence whilst at the premise following on from the joint visit on the 20th December 2016.

Mr Hussain was again unable to provide refusal logs and incident logs stating that he has too many refusals to write them down. Again, there were found to be breaches of the premise licence conditions on this occasion.

On the 22nd of February 2017 I prepared an application for the review of the premise licence due to the serious crime linked to the premise.

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..........

Dated.....2/03/17.....

RESTRICTED (when complete)

B12

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

URN

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Statement of: Scott Szymczak

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Officer 3229

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

Signature: Scott Szymczak

Date: 01/03/2016

Date:

Tick if witness evidence is visually recorded (supply witness details on rear)

I am A/PS 3229 SZYMCZAK of South Yorkshire Police and I am based at SNIG HLL POLICE STATION. On TUESDAY the 21ST of February 2017 I was on duty in full uniform and at 18:29 hours I attended at S1 Food Bar, Fitzalan Square, Sheffield in company of other officers to execute a warrant under Section 23 of the Misuse of Drugs Act 1971.

My entry into this property was gained by the rear door as other officers had gone through the front door, then came, and let me in. S1 food bar is a ground floor unit within a tower block in a city centre square. The front of the shop faces Fitzalan square and as you enter, the shop there is a customer area with some seating and fridges, which is sectioned off by a counter. Behind the counter is the till, alcohol and grills before the rest of the outlet goes towards the back door, which is used for preparation, toilets and access to the basement or balcony. At the rear of the premises, which was being used to store alcohol and other goods were two sets of stairs. One set went down into the basement, which held stored food and fridges and a spiral staircase going to a balcony, which was used for storage. The rear door to the premises was a metal door, this door leads to a parking area on Esperanto way.

As I entered through the rear door I immediately saw a male who I now know to be [REDACTED] [REDACTED] trying to conceal something in the corner of the rear store area by the door. As I approached him, I could see that he was stood right next to a Metal Tub, which had a blue bag sticking out of it, and had some small dealer type scales in his left hand. I asked him to

Signature Scott Szymczak

Signature witnessed by: _____

Continuation of statement of Scott Szymczak
 stop what he was doing and put everything on the side, which he was hesitant to do. I then took hold of his hand, placed the scales on the side and placed [REDACTED] in handcuffs in the front stack position. I then escorted him to the front of the shop and sat him in the customer seating area with the other occupants. As I did this [REDACTED] phone started to ring and he pulled it out his pocket. I then asked for the phone from him, which he refused to do and said he was turning it off. I then took hold of the phone, which [REDACTED] still had hold of and asked him to let explaining that it would be seized. [REDACTED] still refused and tried to pull the phone out of my hand. Eventually after explaining again that the phone would be seized and that he wouldn't use it and that I would be taking it from him [REDACTED] eventually let go of the phone. This phone is exhibited as [REDACTED]. The phone also had the number [REDACTED] on it.

Present at the time of executing the warrant were the following people;

[REDACTED] – who stated that he worked at the location and was a relative of the owner

AZAHAR HUSSAIN [REDACTED] – who stated he was the owner of the shop

[REDACTED] – who was a 15 year old child, who initially said AZAHAR was his uncle, but after further inquiries it turned out that he was an Afghan national who is living with foster parents who were not aware of him being at the location.

The occupants were all gathered in the customer seating area while the search was completed. Before starting the main search a drugs dog had been asked to come and assist and his handler did a search of the property. He then reported to me that the dog had indicated on the storage container next to where [REDACTED] had been standing when I had arrived, along with on some containers in the basement and another on the balcony upstairs.

At 18:56 I was allocated to search the back area of the store logged as E, which was where [REDACTED] was standing on my arrival. In this corner there was a Metal tub, which I could see

Signature Scott Szymczak

Signature witnessed by: _____

Continuation of statement of Scott Szymczak
contained a bag in the flap and another bag inside of it, and where the drugs dog had indicated on. Whilst searching this area I seized and exhibit the following items;

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

At 19:20 I concluded my search in area E and handed the exhibits to PC Hill. I had also informed PC Briggs of what I had found whom subsequently arrested [REDACTED]

At 19:20 I then started a search of the food preparation area behind the counter of the premises. Whilst searching this area I found a Hoody, which contained a Bus Pass in the name of [REDACTED] which matched the name given by the child found at the premises, and he confirmed it belonged to him. A colleague also located a wooden bat behind the till area of the counter. I have photographed and exhibited this as [REDACTED]

After concluding the search, I spoke to [REDACTED] who was 15 years old male and found behind the counter when we executed the warrant. He told me that he knew the owner and that he was doing some work experience over the school holidays but gave no further details. HUSSAIN then told me that he knew his foster parents and they had asked if he could do some work experience in the shop. [REDACTED] was then taken back to his home address by two PCSO's who reported back to me, that his foster parents were totally unaware that he was at the takeaway and they were under the impression that he was at meadowhall.

Signature Scott Szymczak

Signature witnessed by: _____

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WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of Paul BRIGGS

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: Police Constable 2941

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


Signature (witness) Date: 24/02/17

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Constable in South Yorkshire Police currently stationed at Snig Hill Police Station, Sheffield.

I am currently working as part of the Sheffield West Neighbourhood team as part of Operation DENT. This has been in place since the Summer of 2016 and has steadily grown as we progressed as a team.

We are responsible for the city centre, Broomhall and the Abbeydale / London Road corridor. Our aims and objectives are to prevent crime and anti-social behaviour through targeted actions, build better and more effective partnership working, problem solve the highest priority issues through evidence based practice and protect vulnerable people.

Specifically I am responsible for the city centre through Operation DENT and for over 10 years I have been based in Sheffield city centre.



Signature: Signature Witnessed by:

Continuation of Statement of: Paul BRIGGS

Page 2

Fitzalan Square in the city centre has been plagued in recent months and years by a large group of predominantly males who hang around the square and attach themselves to the local shops, off licenses, and bookmakers.

This group can start to muster at around 1130-1200 and be present right through past midnight and can number up to 30 adults when it is at its worst and on days where the weather is not so good single figures.

There are two premises that open past midnight on the square with one being the amusement and the other being S1 Food Bar and this group migrate straight to the S1 food bar or hang around outside until it finally closes.

They are involved in anti-social behaviour which can included excessive drinking and fighting that comes with it, will often be stood smoking cannabis and other substances which have now been defined as psychoactive and street drug dealing. This area is also a place where young and vulnerable people are found that are missing either from home or at risk of exploitation.

Although the group are predominantly stood in the square itself, which is a pedestrianized area, they attach themselves to specific premises that surround it.

One of these is the S1 Food Bar 12 Fitzalan Square which sits at the topside of the square. Entry to this premises can also be gained at the rear which is accessed from Esperanto Place, which runs off Fitzalan Square.



Signature:

Signature Witnessed by:

Continuation of Statement of: Paul BRIGGS

Page 3

S1 Food Bar is a takeaway restaurant and after obtaining an alcohol license sells this along with cigarettes and confectionary.

The premises also sits within the city centre designated alcohol restriction area whereby restrictions are placed on individuals who are found drinking alcohol in the street whilst being part of, or involved with anti-social behaviour.

During my time within the city centre and specifically in the past 6 months I have observed known nominals that have been involved heavily in anti-social behaviour congregating outside the S1 food Bar. This also includes people who have been convicted of drug dealing, fighting and serious assaults and acquisitive crime.

I have also witnessed a female whom child abduction notices have been served due to her suspect involvement in child exploitation hanging outside and inside the premises and has been with a female at risk of exploitation.

I have spoken with the management company of the building next door to the S1 Food Bar. This building is rented accommodation for students. The management company have had regular reports of drug dealing outside the front door to S1 and at the rear where packages and money have been witnessed to be exchanged first-hand. Students have reported to them that they often feel intimidated trying to get into their accommodation as the groups that stand outside the S1 spill over and block their main entrance door. Reports have also been made to the management company and myself that when entering or leaving the accommodation they are approached by people outside the S1 asking if they want to purchase drugs, this has also happened at the rear of the premises.



Signature:

Signature Witnessed by:

Continuation of Statement of: Paul BRIGGS

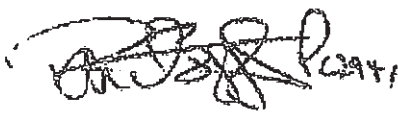
The management company have expressed their frustration with the S1 bar because students can be picked up and dropped off by parents and one bad review on any housing forum can mean a substantial financial loss, as each student brings in around £4000-4500 per year for each student renting their accommodation. They have also had to spend more money on extra security as a result of what is going on at the front and rear to S1 and in Fitzalan Square, having new doors and CCTV fitted.

More recently, I have executed a drugs warrant at the S1 Food bar whereby a 15 year male was found in the premises, claiming that he was doing work experience, and when taken home to foster carers they knew nothing about this. Class A & B drugs and counterfeit tobacco were also recovered. There was also evidence that people had been sleeping on the premises.

One male was arrested and is currently on bail with another male to be interviewed in due course.

As a result of this an expedited review was taken over the premises license and this has currently been suspended along with their late night food license pending a hearing.

I have spoken with people time and time again stood outside the S1 Food Bar who have been in a intoxicated or drugged state and I have taken alcohol from people. This also includes speaking with staff inside asking them not to serve to the group and reminding them that it is an offence to sell alcohol to a person who is drunk.



Signature:

Signature Witnessed by:

Continuation of Statement of: Paul BRIGGS

I have witnessed people coming and going from the S1 Food bar on regular occasions and have not been in receipt of any food throughout the day and night.

Although Fitzalan Square attracts a group of individuals involved in anti-social behaviour, crime and disorder so too does the S1 Food Bar and if anything are a major contributor to it. They do nothing to discourage the group from hanging outside the front of their shop and are clearly part of the anti-social behaviour, crime and disorder that occurs there regularly.



Signature:

Signature Witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of Alan Frederick LE-BILLON PAYNE

Age if under 18 Over 18.... (if over 18 Insert "over 18") Occupation: Police Constable 234

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

Signature (witness) Date: 27th February 2017

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a constable with South Yorkshire Police currently based at Snig Hill Police Station, Sheffield as part of Operation DENT.

On Wednesday 22nd February 2017, I was on duty in full Police uniform in company with P.C. 1020 HILL when at approximately 1600hrs on this date we had cause to attend at the S1 Food Bar, 12 Fitzalan Square, Sheffield S1 2AY. The purpose of us attending at this location was to obtain CCTV footage between certain times on the 21 February 2017, upon our arrival at the location we met a male I know to be [REDACTED] I know [REDACTED] due to previous dealings with him in the previous twenty-four hours prior to us attending on this day, we attended at the rear door of the property and [REDACTED] invited us in.

At this point, I saw approximately four pieces of used cling film scattered about on top of a large silver coloured potato peeler, which was positioned at the foot of an iron staircase just inside the rear door of the property. I recognise these pieces of cling film as the same shape and size as what is used to wrap around illegal drugs. The location of these cling film pieces is exactly where, the day before officers' have found a large quantity of Cannabis.

Signature: Signature Witnessed by:

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Continuation of Statement of: Alan Frederick LE-BILLON PAYNE

I spoke with [redacted] and asked him to assist us downloading the CCTV footage we required, [redacted] stated, "I DON'T KNOW HOW TO OPERATE THE SYSTEM, YOU'LL HAVE TO COME BACK TOMORROW WHEN THE BOSS IS IN."

I asked him when the boss would be back but he wouldn't give a direct answer, in my opinion [redacted] was being uncooperative. I told him that due to us not being able to download the footage on this day we would return the following day and to ensure someone was present on the premise to assist us.

Upon my return to Snig Hill Police Station I spoke with P.C. 2874 CONNOR who I know to be competent in obtaining CCTV footage from several different systems, I requested him to attend the S1 Food Bar and obtain the necessary footage.

On the 24th February 2017, I received an e-mail from P.C. 2874 CONNOR outlining his efforts to obtain the CCTV footage. P.C. 2874 CONNOR stated he'd attend the Food Bar at approximately 2335hrs on the 23rd February 2017 and he also was met by [redacted] P.C. 2874 CONNOR stated he felt [redacted] was being uncooperative. Due to this, P.C. 2874 CONNOR attempted to locate and download the required footage however, there was no footage recorded between the times footage was required. P.C. 2874 CONNOR made the assumption that the footage may well have been wiped due to there being plenty of footage saved on the system, before and after the times we were looking at.

Signature: Signature Witnessed by:



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

2.3.17

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

Dear Sirs

APPLICATION FOR AN EXPEDITED REVIEW OF THE PREMISES LICENCE: S1 FOOD BAR AND OFF LICENCE, 12 FITZALAN SQUARE, SHEFFIELD S1 2AZ

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.

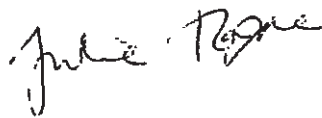
The Safeguarding Children Board has attempted to work in partnership with the premises licence holder, Mr Hussain, in the past, in an attempt to improve the operational standards at the premises following complaints being referred to the Safeguarding Children Board, that the premises was selling alcohol to children and young people. Whilst the Safeguarding Children Board does not retain records prior to 2012, I can confirm from memory having met Mr Hussain several times and witnessed him at the training, that Mr Hussain has been provided with information, training and practical materials to assist with the age verification scheme and promotion of the licensing objectives.

In December 2016 I received information from a colleague in a children's specialist service, reporting that children and young people were able to buy high risk products illegally at the premises. In response to this, I arranged a multi-agency visit to the premises on 20.12.16, please find attached my witness statement which provides further information about this visit.

The Safeguarding Children Board takes a serious view of premises failing to demonstrate due diligence in relation to the prevention of underage sales. The premises is sited near the transport interchange and frequented by children and young people and the Safeguarding Children Board is concerned that the licence holder has failed to comply with the law or uphold the core objective for the protection of children from harm.

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

A handwritten signature in black ink, appearing to read "Julie Hague". The signature is written in a cursive style with a large initial 'J'.

JULIE HAGUE
Licensing Project Manager
Sheffield Safeguarding Children Board

STATEMENT OF WITNESS
(CJ Act 1967, S9, MC Act, 1980 ss5A(3)(a) and 5B MC Rules 1981, r70)

STATEMENT OF: Julie HAGUE

AGE OF WITNESS: Over 18

OCCUPATION OF WITNESS: Licensing Project Manager, Sheffield Safeguarding Children Board (SSCB)

This statement (consists of 4 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated 7/3/17.....

Signed Julie Hague.....

Signature witnessed by James Key.....

I have been employed as the SSCB Licensing Project Manager since 2005. My role involves Consultant to the University of Bedfordshire's Alexi Project; Consultant to the National Working Group for Tackling Child Sexual Exploitation; and working in partnership with statutory agencies and other organisations including local businesses, to promote legal and social responsibility in relation to safeguarding children. This includes promoting the objectives set out in the Licensing Act 2003 and Gambling Act 2005. When premises operate in a way that exposes children and young people to risk of harm, I am responsible for identifying strategies to safeguard children and young people and reduce risk.

On Tuesday 20th December I visited the S1 premises, at 12.50pm . Andrea Marsden (South Yorkshire Police Licensing Officer), Emma Rhodes and Georgina Hollis (Licensing Authority Enforcement Officers) were also in attendance. I had arranged this as an unannounced multi-agency visit in response to information passed to me by a children's specialist service worker who had reported that alcohol and cigarettes were being sold underage at S1 premises and that cannabis was being sold to young people 'from under the counter'. The purpose of the visit was to check what safeguarding systems were in place at the premises and to ensure the management were complying with the requirements of the premises licence.

On entering the premises there were two adult male staff in the shop. One was who I know to be Mr Azhar HUSSAIN, the premise licence holder who was behind the counter and the other was working in the rear takeaway area of the premise. This person identified himself as Mr Ali JAVAD. When we asked if Mr AFSAR, the Designated Premise Supervisor (DPS) was available, Mr Hussain and Mr Javad were unclear in their response and appeared reluctant to answer. After a few moments, they said that they were unable

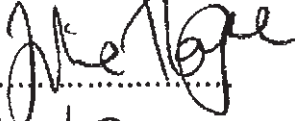

STATEMENT OF WITNESS

(CJ Act 1967, S9, MC Act 1980, ss5A(3)(a) and 5B MC Rules 1981, R70)

Page 2 of 4

Case No:

CONTINUATION OF STATEMENT OF: Julie HAGUE

Signed Signature witnessed by 

Date 7/3/17

to contact him or provide a phone number, however they stated that the DPS did sometimes call in at the premises. Whilst the age verification scheme and premises licence were being checked, Mr JAVAD was on his mobile phone and was able to produce for my colleagues Ms Rhodes and Ms Hollis, a phone number of the Designated Premises Supervisor, Mr AFSAR.

I then proceeded to explain to Mr HUSSAIN the reason for our visit in relation to allegations regarding underage tobacco and alcohol sales and I asked Mr HUSSAIN to confirm that he had already attended the Safeguarding training for licensed operators as I recalled him from dealing with him in the past. In the past I have had cause to visit the premises and meet with Mr HUSSAIN in response to allegations about underage sales of alcohol and I remember seeing Mr HUSSAIN also on the safeguarding in licensing training which I deliver. Mr HUSSAIN confirmed that he had already attended the training. I asked Mr HUSSAIN if he recalled that the premises was required to have a written risk assessment for safeguarding along with staff training and a designated safeguarding lead. Mr HUSSAIN stated that he was aware of this from previous advice and training. Mr JAVAD also stated that he had attended the training approximately 4 years ago. The training attendance records are retained for 5 years and I have checked these back to 2012. Whilst there is no record of Mr HUSSAIN or Mr JAVAD attending I do remember Mr HUSSAIN attending the course prior to 2012.

I then asked to check the age verification scheme documentation and other due diligence materials. Mr HUSSAIN stated that the Challenge 25 scheme operates and that a refusals log and an incident log is maintained. When I asked to see the refusal and incident logs, Mr HUSSAIN was unable to produce either the refusals log or the incident log. He was not able to produce a safeguarding risk assessment. I noted that in response to my colleagues' request to view the CCTV, staff at the shop were unable to access the CCTV system as they did not know the PIN number. Ms Marsden advised Mr HUSSAIN and Mr

STATEMENT OF WITNESS

(CJ Act 1967, S9, MC Act 1980, ss5A(3)(a) and 5B MC Rules 1981, R70)

Page 3 of 4

Case No:

CONTINUATION OF STATEMENT OF: Julie HAGUE

Signed Julie Hague
Date 7/3/17

Signature witnessed by John Bull

JAVAD regarding this and that a further visit would be undertaken by the police to check compliance with this licence condition.

When I asked for the contact details of Mr AFSAR, the DPS, so that I could inform him of the verbal advice I had issued to Mr HUSSAIN as the licence holder, Mr JAVAD gave me his own email address and asked that I use this for correspondence. I was subsequently provided with a postal address of c/o 17 Molloy Place, Sheffield S8 9QP by my colleagues in the Licensing Authority.

On 20th December 2016, I emailed a bundle of safeguarding materials including age verification posters, refusals logs and a risk assessment along with 2 letters by email to Mr JAVAD and sent the same documentation by post to Mr AFSAR the DPS at 17 Molloy Place and copied this to Mr HUSSAIN at 76 Park Grange Crescent, Sheffield. One letter was to invite the premises management on to the safeguarding training to refresh their safeguarding knowledge and the other was to confirm the verbal advice issued to Mr HUSSAIN and Mr JAVAD on 20th December 2016. The training took place on 15th February 2017 and I confirm that no one from the premises attended the training or otherwise made contact with me.

In January 2017 I was informed by the Licensing Authority that the premises had been operating without a DPS for approximately 9 months.

On 1st February 2017 I was informed by David Fenn, Environmental Health Officer, that during an inspection of the premises 2 mattresses had been found in the large basement food store room. Mr Fenn told me that he asked staff what the mattresses were for but no

STATEMENT OF WITNESS

(CJ Act 1967, S9, MC Act 1980, ss5A(3)(a) and 5B MC Rules 1981, R70)

Page 4 of 4

Case No:

CONTINUATION OF STATEMENT OF: Julie HAGUE

Signed Julie Hague

Signature witnessed by Janet Key

Date 7/3/17

explanation was given. Mr Fenn provided me with the contact details at the premises which were Azhur HUSSAIN and Ali JAVAID.

On 22nd February 2017 I was informed by Andrea Marsden, SY Police Licensing that a warrant had been executed the day before at the premises and that a 15 year old male had been behind the counter with Mr HUSSAIN and Mr JAVAD. During the warrant execution and at the time the 15 year old child was present a male was arrested for possession of class A and class B drugs with intent to supply. I was informed also that the child is a vulnerable child known to Children's Social Care.

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



Tel : 0114 2057463

Mob: [REDACTED]

Email [REDACTED]

Dear Licencing Committee

I would like to confirm my support for the licence review application of **S1 Food Bar, Fitzallan Square Sheffield**. to prevent further criminal activity and to protect children from harm from the availability of illegal tobacco. I ask the committee to consider the information below as impacting evidence for why a revocation is required.

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. Illicit tobacco, which is typically smoked by poorer individuals, is exacerbating these health inequalities.

The availability of cheap and illicit undermines the effectiveness of efforts to reduce smoking with measures, such as raising the age of sale to 18 and picture health warnings on packaging are rendered less effective. Illicit tobacco is often available at cheaper prices (£3 per pack in some of our communities), undermining the effectiveness of taxation, making it harder for smokers to quit and ex-smokers to relapse. Illegal tobacco is available from a range of sources (houses, business premises) and worryingly makes it easier for children to start smoking and enabling them to become hooked at a young age.

In addition, cheap and illicit tobacco harms honest local businesses. The illicit tobacco trade is often part of organised criminal activity and is linked to a range of other illegal trades including alcohol and DVD production, people-trafficking and drug smuggling and terrorism.

In 2013–14 HMRC collected £9.5 billion in tobacco duty, helping to fund vital government services including tobacco control interventions¹. Tobacco smuggling costs over £2 billion in lost revenue each year that could be spent on these services.

In 2000, the illicit market share for cigarettes was 22 per cent and 61 per cent for hand-rolling tobacco. Her Majesty's Customs & Excise introduced a strategy to tackle the problem. The problem remains significant however in 2013–14, the illicit market shares were 10 per cent for cigarettes and 39 per cent for hand-rolling tobacco.

In Sheffield a local litter pick data (Nov 2015) indicates that of the 1360 tobacco packs collected 34.2% were classified as cheap and illicit (C&I) (24% smuggled, 9% bootlegged and 4% counterfeit) and 63.3% genuine. The Sheffield estimate is almost three times higher the national market share. Therefore we need to use every measure available to us to address this issue and remove cheap and illicit tobacco from the streets of Sheffield.

Making tobacco less affordable is proven to be an effective way of reducing the prevalence of smoking and is identified by the current government as a key work strand in the 'Healthy Lives, Healthy People: a Tobacco Control Plan for England'ⁱⁱ report. It has been shown by the World Health Organisation (WHO) that with every 10% rise in price reducing smoking prevalence will reduce by 4%ⁱⁱⁱ

Tackling the supply of and demand for illicit tobacco is a key component of the Sheffield Tobacco Control Strategy aimed at reducing smoking prevalence amongst adults, children and pregnant women.

Yours sincerely



Greg Fell
Director of Public Health

ⁱ Tacking illicit tobacco: From leaf to light. The HMRC and Border Force Strategy to tackle tobacco smuggling

ⁱⁱ HM Government (2011). *Healthy Lives, Healthy People: A Tobacco Control Plan for England*. Available at: <http://www.dh.gov.uk/en/publichealth/healthyliveshealthypeople>

ⁱⁱⁱ World Health Organisation (2011). *The World Health Organisation Report on global tobacco epidemic 2011: warning about the dangers of tobacco*. Available at: http://www.who.int/tobacco/global_report/2011/en/

Appendix C

Hearing Notices / Regulations / Procedures

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

Mr Azhar Hussain
76 Park Grange Crescent
Sheffield
S2 3AQ

The Sheffield City Council being the licensing authority, on the 21st February 2017 received an application for a review of Premises Licences in respect of premises known as **S1 Food Bar Fitzallen Square 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 21st March 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 9th March 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 - LicensingService@sheffield.ov.uk

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 21st February 2017 received an application for a review of Premises Licences in respect of premises known as S1 Food Bar, 12 Fitzallen Square Sheffield S1 2AZ

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 21st March 2017 at 10.00am**; following which the Council will issue a Notice of Determination of the Application for Review.

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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.

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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

SYP Licensing Team
Attercliffe Police Station
60 Attercliffe Common
SHEFFIELD
S9 2AD

Emailed - Sheffield.Liquor-Licensing@southyorks.pnn.police.uk

The Sheffield City Council being the licensing authority, on the 21st February 2017 received an application for a review of Premises Licences in respect of premises known as S1 Food Bar, 12 Fitzallen Square Sheffield S1 2AZ

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Dated 9th March 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

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 21st February 2017 received an application for a review of Premises Licences in respect of premises known as S1 Food Bar, 12 Fitzallen Square Sheffield S1 2AZ

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 9th March 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

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.

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

Interim Steps Hearing Determination Notice

THE LICENSING ACT 2003

Premises Licence No: SY 1808 PR

ISSUE NO: 3

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

S1 Food Bar and Off Licence,
12 Fitzalan Square
SHEFFIELD
S1 2AZ

Telephone Number: 0114 2737388

Where the licence is time limited, the dates:

Not applicable.

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities:

1. Sale by retail of alcohol:

(a) for consumption off the premises

Sunday	11:00 to 24:00 hours
Monday	11:00 to 24:00 hours
Tuesday	11:00 to 24:00 hours
Wednesday	11:00 to 24:00 hours
Thursday	11:00 to 24:00 hours
Friday	11:00 to 24:00 hours
Saturday	11:00 to 24:00 hours

2. Provision of late night refreshment:

Indoor

Sunday	23:00 to 02:00 hours the following day
Monday	23:00 to 02:00 hours the following day
Tuesday	23:00 to 02:00 hours the following day
Wednesday	23:00 to 02:00 hours the following day
Thursday	23:00 to 02:00 hours the following day
Friday	23:00 to 04:00 hours the following day
Saturday	23:00 to 04:00 hours the following day

Any Bank Holiday and Christmas Eve 23:00 hours to 04:00 hours the following day

The opening hours of the premises are:

Sunday	11:00 to 02:00 hours the following day
Monday	11:00 to 02:00 hours the following day
Tuesday	11:00 to 02:00 hours the following day
Wednesday	11:00 to 02:00 hours the following day

Thursday 11:00 to 02:00 hours the following day
Friday 11:00 to 04:00 hours the following day
Saturday 11:00 to 04:00 hours the following day

Any Bank Holiday and Christmas Eve 11:00 hours to 04:00 hours the following day

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

Sale by retail of alcohol for consumption off the premises.

PART 2

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

Azhar Hussain
76 Park Grange Crescent
Sheffield
S2 3 SQ

Telephone Number: 0114 2732388 / 07883492581

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:

Mohammed Afsar Ahmed
17 Molloy Place
Meersbrook
Sheffield
S8 9QP

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: SY 3880 PER
Issuing Authority: Sheffield City Council

43

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

Restricted.

This Premises Licence shall be in force from the 24th December 2008

Issued on: 29th December 2008



.....
Acting Head of Licensing
On behalf of Sheffield City Council (issuing licensing authority)

Sheffield City Council – For Office use only		
Variation of Premises Licence	1	15 th February 2011
Variation of DPS	1	26 th August 2010
Transfer of Premises Licence	1	26 th August 2010

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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.

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These mandatory conditions apply where the licence authorises the supply of alcohol. The conditions in paragraph 1 to 3 do not apply where the licence authorises the sale by retail or supply of alcohol only for consumption off the premises.

1. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Annex 1C - Mandatory Conditions effective from 1st October 2010:

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These mandatory conditions apply where the licence authorises the supply of alcohol. The condition 5 does not apply where the licence authorises the sale by retail or supply of alcohol only for consumption off the premises.

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall 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; and
 - (b) Customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the operating schedule

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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 must be fitted in accordance with and operated to the satisfaction of South Yorkshire Police.
3. The Designated Premises Supervisor must be a member of "Licence Watch."
4. The "Challenge 25 scheme" must operate at the premises in compliance with the guidance issued by South Yorkshire Police, Trading Standards and the Safeguarding Children Board.
5. The premises licence holder must take reasonable steps to prevent the congregation of persons especially children outside the premises.
6. At the termination hour for the sale of alcohol, the display of such must be completely covered by such means as roller blinds or similar and a notice displayed in that area should indicate to the public that the alcohol sales part of the business is closed.
7. Alcohol must not be consumed on the premises or in the adjoining take away.
8. The premises licence holder must comply with the reasonable requirements of the South Yorkshire Fire and Rescue and the Health Protection Service including carrying out appropriate Health and Safety and Fire risk assessments.
9. A suitable member of staff must be assigned to the role of the children's safeguarder. This person must act in compliance with guidance and training provided by the Sheffield Safeguarding Children Board.
10. Any new floor surfaces in public areas must have a suitable non slip finish.
11. Shelving and display units for the purpose of displaying alcohol must be of suitable design, construction and adequately secured.
12. A satisfactory electrical certificate must be provided for the premises.
13. The premises licence shall not become effective until the Health Protection Service have inspected the premises with regard to the shelving and any new floor surfaces to ensure that these items have been appropriately addressed in respect of the Health Protection Service Requirements.
14. Staff to ensure that children do not congregate either on or outside the premises. Children under the age of 16 to be accompanied by persons over the age of 18 years after 22.00.
15. A children and young people's risk assessment must be undertaken. This should inform operating policy and be reviewed annually. The risk assessment must be retained on site and made available to the relevant authorities on request.

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Annex 4 – Plans

Plan Reference: New S1

Date: 17/1/2011

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Licensing Sub- Committee Decision

Record of proceedings of Sheffield City Council Licensing Sub Committee hearing held on 23rd February 2017

Full name of Applicant:

South Yorkshire Police

Premises address:

S1 Food Bar & off Licence

12 Fitzallen Square

Sheffield

S1 2AZ

Decision of the Licensing Sub Committee – 23rd February 2017, S1 Food bar and Off Licence, 12 Fitzalan Square, S1 2AZ

This was a meeting to consider whether or not interim steps under section 53B of the Licensing Act 2003 are necessary pending the determination of the review applied for.

South Yorkshire Police submitted an application for summary review with the required certificate on 22nd February 2017.

The application is made by the Chief Officer of Police is of the opinion the premises are associated with serious crime.

Members considered the application. In the written statement the Police detail that the premises has been identified as being key for drug activity and anti social behaviour around Fitzalan Square.

Officers entered the premise on a warrant at 6.27pm on 21st February and suspected drugs were seized along with drug paraphernalia. Illegal tobacco was also found in addition to an adapted table leg fashioned into an offensive weapon.

On the premises were 3 members of staff, one a 15 year old boy living with foster parents. The licence holder told the police that the boy was undertaking work experience and that his foster parents were fully aware. On checking this with them they did not know this and thought that he was at Meadowhall.

It is stated that the DPS visits the premises every 2-3 days.

A number of historical incidents and visits were also detailed including a visit with Safeguarding where compliance with licence conditions were checked. The premises could not access the CCTV system, nor could they provide any refusal or incident logs. It also came to light that the premises had been operating without a DPS for 9 months and a new DPS application was made on 11th January 2017.

Members then considered the application as a whole and looked at the most recent incident and determined that there was evidence to show that the premises is associated with serious crime.

Members decided that, on the evidence provided, it was necessary to take interim steps in order to promote the licensing objectives. Members then considered what steps to take and looked at whether or not conditions could be imposed which would deal with the problems immediately.

Members took into account the suspected drugs and drug paraphernalia on the premises alongside illegal tobacco and underage children. They also considered the licence condition breaches with a lack of refusal log and no access to CCTV and the fact that there had been no DPS for 9 months and the current DPS is only at the premises every few day. Members considered that no conditions could deal with the problems immediately and that suspension of all licensable activities pending the full review was the appropriate and proportionate interim step required to be taken in this instance.

The premises licence holder may make representations against the interim steps taken by the Licensing authority. There is no time limit for making representations and on receipt of the representations the Licensing Authority must hold a hearing within 48 hours of receipt. (Please note that only working days are counted in the 48 hour period)

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