

**REPORT OF THE CHIEF LICENSING OFFICER,  
HEAD OF LICENSING, TO THE LICENSING SUB COMMITTEE**

Ref No 23 / 13

**LICENSING ACT 2003**

**Review of Premises Licence**

**The Timbertop, 334 Shirecliffe Road, Sheffield, S5 8XD**

**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 The Timbertop, 334 Shirecliffe Road, Sheffield, S5 8XD

**2.0 THE APPLICATION**

- 2.1 The application is made by South Yorkshire Police and was received by the Licensing Service on 6<sup>th</sup> February 2013.
- 2.2 The grounds for the review are based on the following aspects of the 2003 Licensing Act objectives:-

Prevention of Crime and Disorder  
Public Safety  
Prevention of Public Nuisance  
Protection of Children from Harm

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

**3.0 REASONS FOR REFERRAL**

- 3.1 The Licensing Authority must under the Act refer any application for review to the Licensing Committee, unless it is withdrawn, or if representations are made by an interested party that the Licensing Authority are of the opinion that they are frivolous or vexatious.
- 3.2 The Licensing Authority has, during the representation period received representations from the following:-
- |    |                                       |              |
|----|---------------------------------------|--------------|
| a) | Sheffield Health Protection Service   | Appendix 'B' |
| b) | Sheffield Safeguarding Children Board | Appendix 'C' |
- 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 'D'.

#### **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 'D'.
- 6.3 Attached at Appendix 'D' 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

Re:- TIMBERTOPS, 334 Shirecliffe Road, Sheffield, S5 8XH

Premise Licence Holder – SB Leisure Management Ltd

Designated Premises Supervisor – Mr Mark BREAME

**INDEX TO BUNDLE OF DOCUMENTS**

**Compiled on 6th February 2013**

	<b>DOCUMENT</b>
	Application for Review (S51)
	Statement of Police Sergeant 1274 CHARLESWORTH dated 4 <sup>th</sup> February 2013 plus exhibits "CC1" & "CC2" & "CC3"
	Statement of Police Inspector Simon LEAKE dated 4 <sup>th</sup> February 2013
	Statement of Police Constable 3904 Jonathan PUCCI dated 20 <sup>th</sup> January 2013 (unsigned as Officer currently on Annual Leave)
	Statement of Police Constable 2667 Daniel LAYCOCK dated 30 <sup>th</sup> December 2012
	Statement of Police Community Support Officer CS80415 Simon STEAD dated 28 <sup>th</sup> December 2012
	Statement of Police Sergeant 1841 Richard McNAMARA dated 12 <sup>th</sup> January 2013
	Statement of Police Constable 1131 Edwin JONES dated 25 <sup>th</sup> January 2013
	Copy of Premises Licence (issue no 9)

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Elizabeth Payne (for and on behalf of the Chief Constable, South Yorkshire Police)

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Timbertops Shirecliffe Road	
<b>Post town</b> Sheffield	<b>Post code (if known)</b> S5 8XH

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> SB Leisure Management Ltd
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<b>Number of premises licence or club premises certificate (if known)</b> SY 0295 PR
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**Part 2 - Applicant details**

I am

**Please tick yes**

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

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

**Please tick**

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  South Yorkshire Police Liquor Licensing Dept Attercliffe Police Station 60 Attercliffe Common Sheffield S9 2AD
Telephone number (if any) 0114 2523618
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review (please read guidance note 1)**

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

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

Timbertops, Shirecliffe Road, Sheffield, was issued with a Premises Licence No SY 0295 PR on the 7<sup>th</sup> September 2005. Since 2<sup>nd</sup> June 2011 the Premises Licence Holders have been SB Leisure Management Ltd and the Designated Premises Supervisor has been Mr Mark BREAME

The building itself and the land on which it stands is currently in the possession of Mr KHAN. It is unknown whether it is owned outright or leased by Mr KHAN.

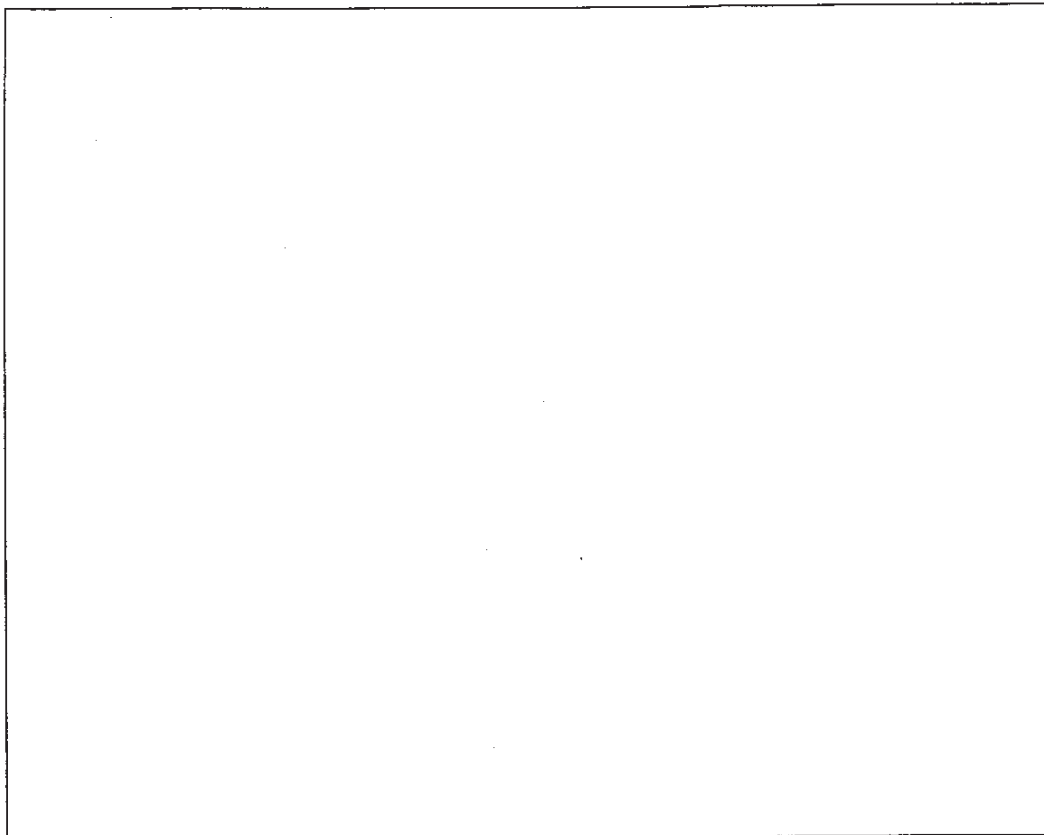
Police have concerns that the Premises Licence Holder and the Designated Premises Supervisor are not addressing the Licensing Objectives.

Since the middle of 2012 it has come to South Yorkshire Police's attention that there are increasing problems at the premise. It is felt that neither the DPS nor the Premise Licence Holders have taken sufficient steps to erradicate such problems, even given the support offered by South Yorkshire Police and other Partner Agencies.

The evidence attached in the review papers is provided to support our application, and more clearly sets out our concerns re the ownership and management of the premise.



A5



**Please provide as much information as possible to support the application**  
(please read guidance note 2)

From police records available there have been a significant number of incidents at the premises. These incidents include reports of assaults and drugs useage / dealing. More information is provided with regards to these incidents within the review papers. As well as the incidents contained within these papers it is worth noting that the DPS has himself on occassion advised that he tries to deal with issues at the premise himself rather than involving the Police. Therefore it is likely that there is a significantly larger problem at the premise than recorded in Police Records.

The current Premise Licence Holder and Designated Premise Supervisor have now had control of the premises for over eighteen months, during which time the issues at the premise have continued to take place.

South Yorkshire Police, along with other Responsible Authorities, have tried engaging with the DPS and SB Leisure Management Ltd, offering advice and support by way of meetings, training offers and information packs. However it is clear from the information enclosed within the review papers that SB Leisure Management Ltd in particular have not placed enough significance on the advice given, and do not appear to be taking their responsibilities as Premise Licence Holders as seriously as we would expect.

South Yorkshire Police feel that a review of the Premise Licence is necessary to prevent any further failures to complay with the Licensing Objectives set out in legislation.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

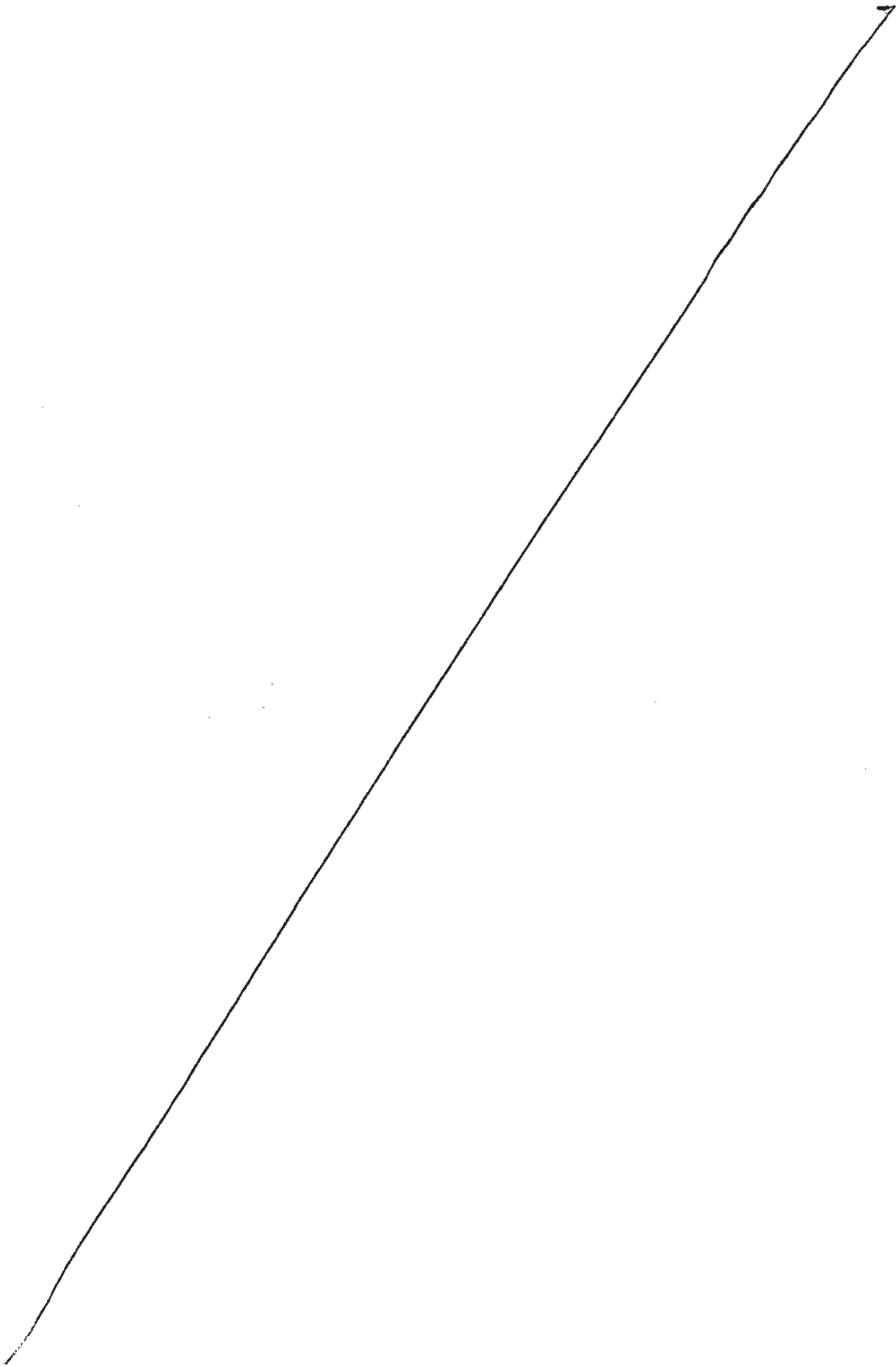
Day

Month

Year

**If you have made representations before relating to this premises please state what they were and when you made them**

No representations have been made in the past.



Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

**Part 3 – Signatures** (please read guidance note 3)

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

Signature 

Date 6/2/13

Capacity Licensing Enforcement Officer - SYP

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5) E Payne SYP Licensing Team Attercliffe Police Station 60 Attercliffe Common	
<b>Post town</b> Sheffield	<b>Post Code</b> S9 2AD
<b>Telephone number (if any)</b> 0114 2523617	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

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

**BETWEEN**

**SOUTH YORKSHIRE POLICE**

Complainant

- and -

**Timber Tops**

**Premise Licence Holders – SB Leisure Management  
DPS – Mark BREAME**

Respondents

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**WITNESS STATEMENT OF**

**Police Sergeant 1274 Craig CHARLESWORTH**

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1. I am a Police Sergeant in the South Yorkshire Police currently stationed at Ecclesfield Police Station. I have been a Police officer for fifteen years and have been in my current role as Sergeant in the North East Safer Neighbourhood Team for three years. Part of my role is the responsibility for the policing of licensed premises within the North East Safer Neighbourhood areas, which include Southey, Burngreave, Firthpark and Parsons Cross areas of Sheffield.
  
2. I can say from records available to me that the following incidents and meetings and visits have taken place at the Timbertops located at Southey Sheffield: -

3. On 9<sup>th</sup> July 2012 the Central Licensing Team wrote to the DPS to advise that a visit to the premises was to be made on 12<sup>th</sup> July 2012. This visit was to allow the DPS to meet with me as I had taken over responsibility for the area (Exhibit "CC1" )
  
4. At 09:45hrs on 12<sup>th</sup> July 2012 I attended a meeting at the premise with the DPS, and police colleagues. I asked if Mark was having any problems. He advised there has been a recent increase in issues which he believes is down to one of the other pubs in the vicinity currently being closed. Mark advised that the main issue is drug dealing. People are dealing inside the pub and in the carpark. He advised that although the premise has CCTV already he has asked SB Leisure for more cameras but they have not agreed this. Mark advised there are no problems re underage drinking and that he does have a refusals log (not seen). However Sundays are starting to be a problem with the younger crowd and he asked for police presence at tea-times where possible. Mark explained his staffing levels to us – only himself on Monday and Tuesday, two staff members on a Wednesday, Thursday, Friday and Saturday, and four people on a Sunday. He advised the premise has lots of health & safety issues. Chair coverings are ripped. The fire door in the function room is still not sorted. There is water leaking into the upper level of the function room and there are issues re the fire escape steps being accessible to any children in function room. There is rubbish including mattresses / copper cabling / glass outside the premises that could be accessed by children. Mark explained that building owner brings

rubbish and tips it there. I advised that we need an urgent meeting with all Responsible Authorities, SB Leisure and the building owner to explain everything that needs to be done to make premise safe etc and to agree an action plan. On leaving the premise I decided that we need an urgent visit from Environmental Health as Mark had said he was having a childrens' party there this afternoon and the premise is not safe.

5. At 15:45hrs I attended an emergency visit carried out with Environmental Services regarding the internal and external condition of the premises. Also present were the DPS, a Safer Neighbourhood Officer, and Steve Pitts and Sean Gibbons of Environmental Services. Guidance was given to block off the water-affected area, and for there to be strict supervision over the fire door for the imminent children's party. Externally there was evidence of more dumping of rubbish since the morning visit. Mark confirmed that he had witnessed the building owner's associates attend in a white transit van and dump the items despite his protests. He was unable to furnish any details of the cable which was close to the wooden storage area which was a concern should burning take place as this could jeopardise the pub itself. Pictures and notes were taken by Environmental Services for further investigation. Mark was clearly exasperated over the current circumstances and not receiving support in stopping the illegal activities taking place and in repairing the building and contents which looked shabby and unkempt. He was advised of the multi-agency visit to be held on 26/07/12 when updates would be given on the findings made today by officers.



6. At 00:17hrs on Sunday 22<sup>nd</sup> July 2012 a member of the public called the police reporting that the DPS was away from the premise and the assistant manager has asked the caller to contact us to state that young males have attended the premises and have been smoking drugs and causing hassle. They are wanting to fight. The caller stated they had been violent earlier and she thinks the situation will erupt. There are no weapons. The males keep coming in and out of the toilets. The temporary staff feel intimidated. Police attend and a number of youths were outside the pub. There was no sign of a disturbance or drugs being smoked, although one male was removed from the pub as he was drunk and trying to serve himself. A licence check was carried out and although the premise was licensed until 01:00hrs all customers were asked to drink up and leave. The pub closed without any further problems.
7. At 12.30pm on 26<sup>th</sup> July a multi-agency meeting was held at the premise. In attendance were colleagues from South Yorkshire Police, Environmental Protection, Childrens' Safeguarding, Trading Standards, Council Licensing & Environmental Health. Also in attendance were the DPS and a representative from SB Leisure (Mel Hague). SYP highlighted concerns re problems potentially shifting to the premise due to tightening up of other premises nearby - drugs being a particular issue. They also advised they were really pleased with how Mark works with them. SYP asked for an updated CCTV system to be put in. Mel advised she will take back the recommendation that this be done.

The other main issues were the amount of rubbish flytipped at the rear of premise – this is being done by the premise owner. Environmental Health advised they will be taking action re this, and also gave advice re waste management and bins contracts. Safeguarding talked about concerns re children accessing the premise. Mel advised they don't really get any in. However while we were at the premise there were a group of kids running around unsupervised outside the premise. It was suggested that they identify a designated childrens' area, and also that the DPS should attend the Multi-Agency Safeguarding Course. They were advised they need to keep records and do regular patrols and record these.

Environmental Health raised concerns about children wandering around outside where there are substantial amounts of rubbish and broken glass. They also had concerns regarding the gap by fire exit being too wide and that a child could fall through it. It was agreed that an Action Plan containing actions from all relevant agencies would be drawn up.

8. Childrens Safeguarder Julie Hague prepared a Multi-Agency Action Plan (Exhibit "CC2")
  
9. At 22:25hrs on Friday 31<sup>st</sup> August 2012 a noise complaint was logged with the 101 system. This was submitted to the Out of Hours Noise Team to deal.

10. At 04:14hrs on Friday 14<sup>th</sup> September 2012 an unknown male contacted the Police stating they may wish to check out the front carpark at the premises as there were a couple of vehicles parked there containing "some individuals you may want to check out". No further information was given at that point. Police attended and on arrival the vehicles at this location were unattended and appeared not to have been used for some time.

11. On 10<sup>th</sup> October 2012 an SYP licensing Officer telephoned Mel from SB Leisure to discuss the CCTV. It was agreed in the meeting in July that they would have extra cameras fitted however the SYP Crime Reduction Officer has been trying to arrange to visit the premise but has never had his calls returned by the DPS. A voicemail was left for a callback from Mel.

12. On 11<sup>th</sup> October 2012 a licensing visit took place. The premises were in a poor state of repair and fixtures and fittings looked shabby. An examination of the rear of the premises showed evidence of rubbish burning and a stock of wood which had been deposited. An internal licensing check was undertaken due to concerns raised by the DPS over drug dealing and drug usage at the premises. There were two customers in the premise who appeared intoxicated but good natured. There was only one member of staff to manage the bar and curtilage.

13. At 18:39hrs on Saturday 13<sup>th</sup> October 2012 a member of the public called the police to make a noise complaint. This was referred via the 101 system to the Out of Hours noise team. At 19:04hrs the same caller again called the police to complain about the noise from the premise. This was again referred to the Out of Hours Noise team. At 23.06hrs the same caller called again regarding noise from the premise. This was once again referred to the Out of Hours Noise Team. The complainant advised that loud music is still coming from the premise. It is so loud she can hear words to the music. This has woken her family.

14. On 15/10/12 at 21:30hrs Officers visited the premise and spoke with the DPS. There were a small number of older drinkers at the premises. Mark stated that they are still experiencing problems with suspected 'gangs' who deal drugs and in particular one main person who is known to the Police. There is no particular pattern to when these "gangs" are attending but Mark did state that the known male comes in most Friday nights. Mark stated that recently the male had asked him what he would do if he were to put a long line of cocaine on the bar and snort it? Mark advised that any visits are more than welcome, as whenever a patrol car has pulled into the car park or the rear of the premises recently unwanted persons have left the place promptly. He also stated he is in the process of looking at having more CCTV cameras installed at the premises.

At 21.50hrs different Officers carried out a visit as per agreement with the DPS to assess problems in the pub and the surrounding curtilage. There were approximately 10 people present but no issues and no individuals

identified by the DPS as being problematic. He stated that he felt the premises were being visited by "gangster types" and welcomed the visits.

15. On 17<sup>th</sup> October 2012 an SYP Crime Reduction Officer visited the premise to check the CCTV system. A report was prepared and sent to the Premise Licence Holders and DPS (Exhibit "CC3"). At that time the current CCTV system fell short of the required minimum specification for licensed premises. To achieve the required standard the Officer advised the system would need to be upgraded as a priority.

16. At 21:00hrs on 20<sup>th</sup> October 2012 a licensing visit was completed at the premises. Officers spoke to the DPS who stated that everything had been fine recently, which is strange as when a visit was carried out on the Monday he had stated that the place had started to become a little over run with 'gangster' type people. There appeared to be a decent crowd of people present. Officers told him SYP would keep calling in when possible which he was happy with.

17. At 13:00hrs on 24<sup>th</sup> October 2012 Officers attended at the Timbertop and spoke to the DPS's partner who clearly stated that things were better because SYP had been popping in un-announced. Officers specifically asked if things were any better and he said that they were. There were no persons present in the premises and no signs of any vehicles present.

18. At 11:00hrs on 29<sup>th</sup> October 2012 I attended a Multi-Agency meeting to review the Action Plan issued in July. Also in attendance were the DPS Mark Breame, Bruce Gee & Mel Hague from SB Leisure, an SYP Licensing Officer and a representative from Childrens Safeguarding.

A run through of the action plan showed that many of the actions had not yet been completed. Re licence watch membership - Mark said the telephone number we had provided was incorrect. The Childrens Safeguarder called the number while we were there and got through to them so Mark advised he would contact them again to sort this out. Re CCTV - this still needs resolving. Bruce advised he will be comparing the system already in the premise against the advice provided by the SYP Crime Reduction Officer and deciding where to go from here. As CCTV is not a licence condition at this time we cannot do any more to enforce this. They still do not have an incident book . Mark advised he does have issues re drugs / people outside premise etc but that he deals with them himself and doesn't call police. It was impressed on him again the importance of recording all this information. Bruce was not pleased either as he said that he has personally completed and provided their due dilligence folders to the premise (including incident logs / refusals etc) - he will ensure copies are delivered within the next seven days and go through these with Mark.

Re the Childrens Risk Assessment - this is half completed. Bruce is to ensure it is fully completed within the next two weeks. Staff patrols are to be implemented and recorded as these are currently not recorded.

Re zero tolerance re drugs - I asked for them to provide me with confirmation of how they will deal with drugs issues. Mark advised he just asks people to leave and generally they do. I asked what he would do if they won't leave as he is often in the pub himself - he was not able to come up with a solution re this.

It was agreed a further meeting would be held on the 20th November to review matters and see if any progress had been made. During the conversations it came out that Mark had arranged a bonfire party which was for families including children. I asked if he had submitted a Temporary Event Notice as SYP had no knowledge of this event. He advised no. I pointed out then that he could not have children at the premise after 4pm. Therefore Bruce advised him that he needed to cancel the party.

19. At 20.40hrs on 29<sup>th</sup> October 2012 Officers undertook a visit at the premises. There were approximately seven people in attendance. No issues raised by DPS.
  
20. At 22:00hrs on 30<sup>th</sup> October 2012 Officers attended on a Licensing Visit due to the DPS previously advising us of concerns re drug dealing at the premise and that the premise is now being used as a base for dealing within the local area. On arrival a nominal known to police was outside

the premise and was searched due to the smell of cannabis. The search was negative, although the male was quick to move when he saw Officers arrive which led them to suspect he may have drugs hidden nearby. At the time he was also in the company of another male who is known to police for drug dealing within the area.

21. At 01:15hrs on Sunday 4<sup>th</sup> November 2012 a male called police to advise that the DPS had been assaulted. The DPS had been in the back room and when he returned to the bar he found a male behind the bar helping himself to a drink. The DPS had tried ushering the male out from behind the bar and the offender had punched him at least twice in the face. At the time the Offender had a bottle in his hand and the victim was unclear whether the bottle had hit him but felt this was likely. The DPS was transported to the Northern General Hospital by Ambulance. The DPS suffered a swollen eye. A crime report was submitted (assault).

22. At 21:21hrs on Saturday 10<sup>th</sup> November 2012 the DPS advised that he had taken a booking for a 21<sup>st</sup> Birthday Party for some males who live in the vicinity of the premise. The caller had been advised to make officers aware that the party would be taking place that evening. At 14:00hrs police officers visited and spoke with the DPS regarding the party. He was asked why he allowed the booking when he had previously advised Officers he had had problems with the people involved. He was unable to answer this. He was advised that due to an issue at the premise the previous week he should employ SIA registered security to assist during the party. He was asked what numbers he was expecting to attend –



again he was unable to provide an answer. Due to lack of knowledge about the event, and lack of security, Officers informed him that they had concerns due to the potential for disorder at the premise. The DPS stated he would contact the nominals and cancel the booking based on our advice. Officers advised they would make further checks during the evening. At 19:30hrs Officers attended and the nominals who had booked the party were in attendance at the premise.

23. At 14:00hrs on 20<sup>th</sup> November 2012 I attended a further review meeting at the premise. Also in attendance were an SYP Licensing Officer, a representative from Safeguarding Children, Mark Breame (DPS) and Mel from SB Leisure.

Mel confirmed that bollards to restrict access to the back of the premise were in the process of being fitted but that the building and land owner is fitting them so he will have a key. Therefore he will be able to remove them and will still have access to the rear of the premise. This is contrary to what we requested them to be put in for.

I raised the issue that Mark seems to still not be getting sufficient support from SB Leisure. I advised there have been four incidents since our last visit including the assault on Mark, drugs taking inside the premise, and the issue re the party for some local youths who Mark has previously advised police cause him issues. I advised that senior officers are now requesting that there is security in place from 8pm until close every day and that if an agreement cannot be reached on this then we will look at

taking them to licence review for the board to decide how best to deal with the issues at the premise.

Mel advised they were expecting this request and that she needs to take it back to her management as does not have the authority to agree to this. I advised the reason we have asked for it every day is that there is no pattern to the issues. If they do agree then we can have it on a review basis.

Mel produced all paper work re logs / training records etc which were checked and in order.

The Childrens Safeguarder asked a few further questions re the young persons risk assessment, and made a request that they do not have under 18s on the premise at any time until all the issues there have been resolved. It was clarified that this meant outside in the carpark area as well as inside - Mark and Mel agreed to this

Re Licence Watch membership - Mark advised he has sent his forms off and is just awaiting receipt of the membership documents.

I explained how the use of banning letters on nominals who had been causing problems at a nearby premise had worked and said they we could look at doing the same here, but that we would need the pub to support this by the use of security etc. I also advised that SYP cannot keep providing lots of resources to visit the pub constantly. Mel advised she is happy to work with us but feels that sometimes Mark is his own worst enemy even though he works hard and has done a relatively good job. Throughout the meeting my observation that Mark needs more support / higher staffing was proved by the fact that as well as being

involved in the meeting he was also staffing the bar and kept getting called away - given the serious nature of the meeting this was not really acceptable

24. At 20:00hrs on 23<sup>rd</sup> November 2012 officers carried out a licensing visit at the premise and spoke with the DPS. There was one staff member behind the bar and one in front drinking a pint. There were no doorstaff and approximately ten customers inside.

25. At 16:00hrs on 24<sup>th</sup> November 2012 Officers carried out a licensing visit. There were 15 customers inside the premise and the carpark was clear of vehicles. No issues were raised by staff.

26. At 19:50hrs on 26<sup>th</sup> November 2012 officers carried out a licensing visit to the premise. There were only four customers inside. No issues raised.

27. On 30<sup>th</sup> November 2012 I received an email from Bruce at SB Leisure – the content of which is as follows;-

hello mr charlesworth.

in reply to your email conversations with melanie, we are looking into the cost implications of security at the timber tops.

This is a site that for us has never required security and has run along smoothly if your request for security is based on increased incidents then we will investigate these at site and risk assess the need for security, as

you will be very aware security does not come cheap and can very quickly push a pub into the red with this on mind the situation needs looking at carefully and i will report back to you in due course.

bruce gee

S B leisure group

I found this disappointing as either Bruce has not been fully updated with regards to our discussions (and outlining of incidents at the premise) in our previous meetings with Mark and Mel, or he is aware of the issues but is not taking them seriously. After a discussion about this issue with my Inspector I sent the following email to Bruce:-

Bruce,

I have reviewed your response and have discussed this with my Inspector. The issues concerning security and management of the premises were discussed with Melanie and Mark and the circumstances outlined as to why we had made recommendations around these areas. The serious nature of the incidents relating to violent crime and drug misuse require me to progress this with some urgency in order to get a response from you. As such could you provide a proposal by the 7th December as to how you intend to reduce criminality, increase security and improve overall management at the premises. Once this has been produced it will give us the opportunity to discuss matters around these

three areas and how we can work together in trying to resolve issue at the premises.

Without a response within the parameters outlined I will need to progress a review of the licence conditions which would include the removal of the DPS in order to establish some element of control and reduce any concerns that exists around public safety at this time.

Craig Charlesworth - Police Sergeant 1274

28. At 20:10hrs on 30<sup>th</sup> November 2012 Officers carried out a licensing visit at the above premise. It was very quiet with only three customers in. The Officers spoke to barstaff who advised the DPS was upstairs.

29. At 20:00hrs on 7<sup>th</sup> December 2012 Officers carried out a licensing visit at the above premise which again was very quiet. There was a strong smell of cannabis outside the main door to the pub and also the internal entrance doors.

30. At 14:43hrs on 10<sup>th</sup> December 2012 I sent the following email to Bruce Gee at SB Leisure:-

Bruce,

In respect of the email below I have not yet received either a holding email or a response to the matters raised. As such, if I do not receive a response within the next 24 hours I will be left with no option but to instigate review proceedings.

Could you please, therefore, reply accordingly.

Craig

At 15:29hrs I received the following response:-

Hello mr Charlesworth

As you know we have been monitoring the situation at the timber tops and risked assessed the need for security and based on the lack of incidents and our findings we disagree with the need for security but we do agree the CCTV needs updating and improving and based on that we will agree to do that with the CCTV within 14 days and continue to monitor the situation before going any further.

Bruce Gee

31. At 20:45hrs on 11<sup>th</sup> December 2012 Officers visited the above premise to carry out a licensing check. They spoke to the DPS who advised there were no issues. On attending there was a small group of people outside the entrance to the premise and there was a very strong smell of cannabis. Inside the main door also smelt of cannabis. One male was seen to run down the rear of the premise when the police vehicle entered the car park.

32. At 20:50hrs on 21<sup>st</sup> December 2012 officers carried out a licensing visit. On arrival the front of the pub and the car park were in darkness. It was possible to view several groups congregating in and around the car park and around two vehicles that were outside the doors. In total, it was

estimated there were 15 people present. As the van pulled onto the car park the individuals dispersed away from the premises. The two vehicles remained in situ with a couple of people remaining with them. It was also notable that drinks had been left in situ on the roof of the cars. As officers alighted the van there were two males in the entrance to the premises who shouted "police" and then walked into the pub.

On entering Officers could see there were around 30 people in the premises. There was one member of staff behind the bar. Officers enquired about the whereabouts of the DPS and were told he was upstairs and that they would call him down. Whilst waiting I began to look at the jukebox and was confronted by a male in his 60's who told me not to touch it. The male had slurred speech, was unsteady on his feet, and was in fact drunk. He staggered away and then returned, taking his jacket off and became hostile towards me. I advised this male of his conduct but his actions had begun to turn those present hostile towards myself and my colleagues. The male was then taken away at which point I was joined by the DPS who had also attempted to calm the male. The situation began to calm and I spoke to the DPS regarding the outside of the premises and the situation that had met us in the car park. The lack of lighting was highlighted and also the crowds which were gathered and I asked why this was not being addressed. He could not offer any reason. I then requested to see refusals logs and incident logs. The DPS returned to the bar area and was clearly having difficulty finding them. After a couple of minutes, he returned with a refusal log and copies of the patrol records. The last entry in the refusal log was on 17<sup>th</sup> November

2012 with a refusal to serve a drunken male. The patrol log highlighted staff observations up to 15th December but the majority referred to checks up to 1700 hrs.

I highlighted my concerns over the outside of the pub and the way it was being managed. The lighting and groups made it intimidating to say the least. Mark was asked to rectify this.

Upon leaving the pub there was a female in the entrance to pub who was in her fifties. This female was also drunk and abusive regarding our visit. When approached she retreated into the pub. It was also noted that people were buying drinks and taking them outside and standing with the two vehicles which had remained. When Officers queried what the drivers of the vehicles were doing, they stated they were waiting there before going into town. Officers who had remained at the entrance of the premise throughout the visit advised that they had identified some of those present as being associated with Organised Crime Gangs (OCGs) in the area.

Prior to leaving the premises Officers inspected the rear of the premises. Contrary to previous advise that bollards were being fitted to restrict access to the rear of the premise there were no bollards to stop them getting to the rear. To the right of the yard was a large quantity of wood, debris and other rubbish which had been dumped. There were also remnants of burnt rubbish in the grassed area bordering the Sheffield United Institute. The final thing to note was the storage area directly under the function room. This did have two large wooden gates but these



appeared to have been damaged and were wide open which allowed access to the cellar doors and the area where empty barrels were stored. At 2210hrs a return visit was made to the premises and on arrival it was evident that lighting had been switched on making the car park more visible. Officers could see a male who was stood to the right of the main doors and who had a cigarette in his mouth. This male was looking at his groin with his hands in the area of his zip. It was Officers' belief that the male had gone outside to smoke and urinate. As he saw us he moved his hands away from his groin.

33. At 21:00hrs on 23<sup>rd</sup> December 2012 Officers attended the premises as part of the Christmas licensing patrols. On arrival the front car park was not illuminated and there were three cars parked up which had a group of around ten individuals present around them. When officers pulled up a number of the group walked away towards the estate. Officers went to one of the vehicles where it appeared that the rear window had been smashed. There were two males with the vehicle who are known Organised Crime Group (OCG) nominals. When asked about the car they stated that the window had been smashed whilst it was in situ in the car park. They were unwilling to elaborate further and proceeded to block up the window using cardboard fetched from inside the pub. Officers entered the premises and found there were around fifteen present. The DPS was present but did not mention or report the incident relating to the car. Officers also checked the rear of the premises and saw that rubbish still

remained and that the doors to the cellar area remained unrepaired. The overall state of the building was still poor.

34. At 18:50hrs on 31<sup>st</sup> December 2012 Officers attended the premise for a Licensing visit. On arrival at the pub the car park had 5 vehicles parked and the lighting was poor. As Officers arrived a male quickly walked into the premise. In the doorway there were 3 people smoking and drinking alcohol. There was also a distinct smell of cannabis in this doorway area. Officers had to ask these males to move to allow us access to the pub. Access to the rear of the premise was restricted by the use of 4 metal fences (the temporary types used at events). These could however be easily moved by any person. Officers could see that to the right of the yard there was a large quantity of wood, debris and other rubbish, which had been dumped. There were also still remnants of burnt rubbish in the grassed area bordering the Sheffield United Institute. The lighting at the rear of the premise was non existent and only street lights from the road were allowing us to see the above debris.

Inside the premise there were approximately 30-35 people ranging from 20 yrs to 60+ yrs. Officers spoke with the staff member behind the bar who was the DPS's partner. Also behind the bar was one female staff member and they seemed to be coping with the demand. The male asked if we wanted to speak with Mark and fetched him from upstairs. Mark joined the Officers in the main area of the pub and was very friendly. He said things were ok and the atmosphere was good tonight. When asked about any problems he said there weren't any. Officers

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asked to see his refusal logs and incident logs, which he got from under the bar. The refusal log had 11 entries from 10th November to 30th December. The incident log had 9 entries between the same dates however it seemed to lack detail with some of the entries purely stating 'compliance with licence conditions'. When speaking with Mark officers asked again how the past few weeks had been and whether the trouble makers still attend. He said that the younger ones were easy to deal with, it was the middle aged ones that were 'taking the p\*\*s', tending to be harder to handle. Officers asked if he had reported any incidents with these or if he wanted help now. He didn't answer these questions, but concentrated on the logs.

There were signs of drunkenness, with one male who wanted to constantly shake officer's hands and say how much of a good job we were doing. He was advised to walk away and after numerous warnings, took the advise. On the way out there were people stood in the doorway again and in the carpark, who had to move to let us through. This would look intimidating to people wanting to enter and possibly hinder people leaving in a rush or emergency.

35. At 14:52hrs on Wednesday 2<sup>nd</sup> January 2013 a member of the public called the police to advise she had been assaulted inside the premise on new Years Eve. She stated she had visible facial injuries, pain to her back and lumps to her head. Officers attend and spoke to the female who advised that CCTV from the premise should show the incident. Officers then attended the premise to view the CCTV. No incident was captured, however it was clear that other customers were watching something

occur outside of the view of the camera. The DPS advised he had not seen any brawl. Further conversation was carried out with the complainant who subsequently advised she did not wish to take the complaint any further as she felt it "wouldn't be worth it".

36. At 19:23hrs on Wednesday 2<sup>nd</sup> January 2013 a member of the public called police wishing to discuss the premises with a Sergeant. She stated that there are problems on a regular basis at the pub and that the police are turning up at the wrong times. The caller believes there are underage drinkers in the premise and youths hanging around the doorway smoking cannabis. The caller felt the Landlord may not be strong enough to turn the trouble causes away or may not want to tackle them. The caller also believed that someone had been in there with a flick knife the other day and that barstaff had advised the police and subsequently got sacked. This was referred to me. The caller has been spoken to and advised of the current action which is being taken by the Police and other agencies regarding issues at the premise.

37. At 20:39 on Friday 11<sup>th</sup> January 2013 a passive drug dog operation was carried out in the area. On attending the premise nominals known to the police were in attendance inside. All in order at that time.

38. On 23<sup>rd</sup> January 2013 two separate pieces of intelligence were received by South Yorkshire Police. The first suggests that two local males had "taken over the Timbertops. They enter the premise with takeaway meals

A33

and can be seen to make and smoke spliffs and cut up cocaine on the tables in view of everyone. The landlord lets them do what they want then just clears up after them". These two males are nominals known to the Police in relation to Organised Crime.

The second piece of intelligence states that a different local male with an affiliation to a local Organised Crime Gang can regularly be found inside the premise on a Friday night.

39. I am extremely concerned that neither the DPS or the Premise Licence Holders have sufficient control of the premise, and are not taking their responsibilities regarding the safe running of a licensed premise and the promotion of the four licensing objectives seriously.

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..... 4/2/13 .....



Mr Mark Douglas Breame



9<sup>th</sup> July 2012

Dear Mr Breame

**Re: Timbertops, Shirecliffe Road, Sheffield, S5 8XH**

We are writing to advise that we are intending to carry out a Licensing visit at the above premise at 9.30am on Thursday 12<sup>th</sup> July 2012. The purpose of the visit is to offer support and advice, and for the new Sergeant with responsibility for the Shirecliffe Area to introduce himself.

We trust that as Designated Premise Supervisor you will be in a position to make yourself available for the meeting. If you so wish please feel free to contact the Premise Licence Holder to also send a representative.

Yours sincerely

South Yorkshire Police Licensing  
1<sup>st</sup> Floor  
Attercliffe Police Station  
60 Attercliffe Common  
Sheffield  
S2 9AD

Liquor.liceninsg@southyorks.pnn.police.uk

TIMBERTOPS: SAFEGUARDING MEASURES FOR MULTI AGENCY ACTION PLAN, JULY 2012

Number	Action required	Date to be Achieved by	Completion Date	Remarks
1	The DPS to become an active member of 'Sheffield Licence Watch' and any localised sub groups. To attend all meetings unless this is impractical after taking all reasonable steps.			
2	The 'Challenge 25' procedure to be operated by all staff and all systems to be in place as set out in the multi agency guidance 'Criteria for a Recognised Proof of Age Scheme'. (Copy provided.) All staff to be trained to operate the scheme. Content of the training is to comply with the recommendations set out in the 'Criteria for a Recognised Proof of Age Scheme' including maintenance of staff training records. Staff Training records to be available to the Responsible Authorities on request.	Within 7 days of this contract		
3	To display relevant posters and information relating to the supply of alcohol to underage customers in prominent positions that are visible both inside and outside the premises, and at the point of sale.	Within 7 days of this contract		
4	A colour CCTV system to the specification of South Yorkshire Police (provided) will be fitted, maintained and in use at all times the premises are open. CCTV images will be stored for 28 days. Police will be given access to, and copies of images for purposes in connection with the prevention and detection of crime and disorder. A minimum of one member of staff to be trained to operate the system. Cameras to include monitoring of the front and rear external areas.			

**TIMBERTOPS: SAFEGUARDING MEASURES FOR MULTI AGENCY ACTION PLAN, JULY 2012**

5		Immediate effect	The Children's Charter to be displayed and its principles enforced. (copy provided)	
6		Within 7 days of this contract	Signage indicating restrictions to children's access to the premises must be displayed (children's charter to display 4pm time off in compliance with the licence conditions).	
7		Within 7 days of this contract.	An incident book must be maintained and be made available upon request for inspection by the Responsible Authorities under the Licensing Act 2003. This book should record details of any actions taken by the premises management in response to incidents.	
		Within 7 days of this contract	Zero tolerance to drugs policy to operate.	
		Within 7 days of this contract	A 'Children's Safeguarder' will be assigned at the premises. This person must attend the training provided by the SSCB and comply with the guidance issued by the SSCB. (Description of this role provided.) Training offer letter provided.	
10		Within 7 days of this contract.	A children and young people's risk assessment must be completed in writing and retained as part of the premises management's due diligence records. A risk assessment tool has been provided. Risks identified in this process will inform the premises policy regarding access to children to the external areas.	



**TIMBERTOPS: SAFEGUARDING MEASURES FOR MULTI AGENCY ACTION PLAN, JULY 2012**

11.	A policy to prevent adults leaving children in outside areas unsupervised shall be enforced and signage shall be displayed to help enforce this.	With immediate effect.	
12	Designated staff must regularly* patrol the premises to monitor for: noise nuisance; parent/carer supervision of children; anti social behaviour; underage drinking/proxy purchase; drug use/dealing. Patrols to be recorded. (patrol record provided)	Within 7 days of this contract.	
13	Staff to be trained to enforce the licence conditions and action plan measures.	Within 7 days of this contract.	



**Crime Reduction Survey**

**Site & Location:** Timber Tops PH  
Shirecliffe Road  
Sheffield S5 8XD

**Date:** 17<sup>th</sup> October 2012

**Officer:** Dene Tinker CDRO/ALO

**To:** Melanie Hague, DPS Mark Breame

South Yorkshire Police, Crime Reduction & Architectural Liaison Officer Dene Tinker completes this report following a site visit and survey on Monday 17<sup>th</sup> October 2012. This is in regards to CCTV & crime reduction.

The current CCTV system fall short of the required minimum specification for licence premises.

To achieve the standard the system will need upgrading as a priority.

**External**

X 2 'external' CCTV cameras are required to cover the frontage of the building. One should cover the external smoking area and door entrance/exit. The other should cover the frontage and car park area. All cameras should be fitted securely and protected to prevent any theft or tampering. Existing external lighting has been tampered with, this should be repaired and adjusted to provide sufficient lighting to complement and enhance the CCTV.

An additional X3 CCTV cameras or required, X1 camera should be fitted to each side of the building. These should cover the full perimeter of the building including the rear car park area.

Sufficient lighting will be required to complement and enhance the CCTV. The use of IR cameras is acceptable providing image quality is of the required standard in the hours of darkness.

**Internal**

After viewing the internal cameras, I am satisfied that they are located in the appropriate locations. However not all the cameras are actually working or functioning? Some have been damaged or have been removed. The remaining four cameras that are working have various inconstancies regards to image quality and some have degenerated due to age. All internal cameras should be upgraded and replaced to achieve the required standards.

**Recording DVR**

This will need upgrading to conform to the required standards.

CCTV signage should be erected and visible within the vicinity, informing the public that CCTV is in operation and indicate who the operator is. This is a legal requirement.

#### **General Crime reduction advice**

- A gate is required to the top of the steps to the front left hand side of the building.
- To the ground level via the steps there is a brick built compound that houses air conditioning units. These are currently unprotected and could be easily removed. Although there are door recesses within this compound, no gates are fitted. I would suggest that gates are installed and incorporate fire approved quick release locking mechanism. These should be shrouded so that the release mechanism cannot be accessed from the outside.
- The intruder alarm should be inspected and serviced.
- The rear car park has suffered from fly tipping and there is evidence of stolen copper cabling, been smelted. The whole area will benefit from cleaning and proper disposal of waste.
- Retractable driveway post should be installed to the right of the building to restrict vehicular access to the rear car park area. Retractable driveway post would allow for deliveries and temporary access if required.

#### **IMPORTANT General information**

*This advice is based upon concerns following recent current Crime trends in the area concerned. I can only give a view as to what measures might reduce the risk of crime; there can be no guarantee that the Recommendations/Concerns will prevent Crime.*

*Before any measures are implemented you are advised to consider current Health and Safety Legislation, planning permission and also consult with your local Fire Safety Officer or any statutory body that may require notification or consultation.*

*Should you require any further advice or assistance, please don't hesitate and contact.*

**Dene Tinker, Crime Reduction & Architectural Liaison Officer,**

***Ecclesfield Police Station***

321 The common

Sheffield

S35 9WL

Tel: - 0114 2964929

**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 SIMON DAVID LEAKE .....

Age if under 18 Over 18.... (if over 18 insert "over 18") Occupation: INSPECTOR.....

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 anything which I know to be false or do not believe to be true.

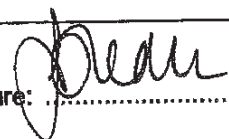
Signature  ..... (witness) Date: 4.2.13 .....

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

My name is Simon David Leake, I am a police Inspector currently responsible for the North East Safer Neighbourhood Area. I have responsibility for the four wards of Burngreave, Firth Park, Southey and Shiregreen/Brightside.

One of my primary functions is problem solving around quality of life issues, community safety, and responding to long term problems within the community either as a partnership with other interested agencies, or as a stand-alone police service. In doing this I consult with the community, speak to my partners and ensure that lines of communication are open between South Yorkshire Police and those who represent the communities.

The Timbertops Public House, is situated in Shirecliffe in a heavily populated residential area and is adjacent to a sports academy which focuses on youth development. In terms of policing intelligence and knowledge of the community it is known as a place where organised crime groups would gather, a place where drug dealing may take place, a place associated with drug dealing, and generally a place where there is an undercurrent of criminality. When Police Officers and staff are deployed to Public Houses across the City, as an organisation we risk assess each deployment. Many are routine and the risk assessment is simple and the deployment is often low key. With any deployment (including routine licensing visits) to the Timbertops the risk assessment around deployment is more complex and often involves

Signature:  ..... Signature Witnessed by: .....

Continuation of Statement of: SIMON DAVID LEAKE

Page 2

consideration of increased resourcing and specialisation. There is clear evidence that this pub is connected with organised crime groups.

Despite our stance on issues around crime and disorder and nuisance, with the licence holder and clear direction to the licence holder, there appears to be no improvement in the management of the licence and in fact intelligence and evidence tells me that the situation has deteriorated recently.

I maintain a robust approach to licensing because a poorly managed licence has a considerable effect on community life. Its not the first time I've gone to the licensing board as an individual representing South Yorkshire Police to ask for a change in conditions to be changed, or DPS to be removed or a removal of the license all together, and only will do so where there is a case of necessity and proportionality. I have considered other options and have sought the cooperation of the licence holder, and indeed, as you would imagine, I am working successfully with other licence holders in the area who are asking for our support. I offer advice and our legal position on a level playing field. Unfortunately, the Timbertop appears not to be in this category of successful licences, and it is one of the driving factors for myself bringing this matter to you today. I'm not encouraged by the licence holder, I'm not encouraged by the way the place is being managed, there has been no improvement despite claims of improvement and despite promises of improvement.

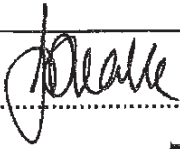
The Timbertops has a significant negative impact on the community. The first is the community itself, the adult population who would drink in and attend that pub cannot be assured of a safe environment, cannot be assured that they would not be subject to nuisance or become victims of crime, and could not be assured of the support of the licence holder in a proper and appropriate manner. The people who live near to the pub suffer at the hands of noise and nuisance complaints when the pub is open, or whenever one of the many incidents takes place attracting the attention of the police and other partnership agencies.

Signature:  Signature Witnessed by: .....

Continuation of Statement of: SIMON DAVID LEAKE

The Timbertops has an impact on resources that the City provides. Police resources having to attend at the request of either patrons or the licence holder. Over and above routine licensing checks we agreed to increase our presence to support the DPS/Licence holder where necessary. Unfortunately this has now developed into a position whereby we attended to provide security and the DPS tells us that when we attend, the 'bad guys' disappear. A clear indication that the culture of this pub propagates the view that this is generally a safe place for wrongdoers and who only leave when the police attend. We have presented direct evidence that there is an early warning system in place to alert others that the police are arriving.

Every one of these calls means a police officer has to attend. More serious incidents attract more police officers, the community outside see police cars parked on the forecourts and the parking areas around the Timbertop. The community is impacted by the fact that this pub is now intrinsically linked with an organised crime group. I am convinced that the Timbertop has a negative impact on the community around it and wider and I foresee future problems for that community should this licence not be reviewed by the City Licensing Board.

Signature:  Signature Witnessed by: .....

**RESTRICTED (when complete)**

AL3

**WITNESS STATEMENT**

(CJ Act 1967, s.9 MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN 

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Statement of PC3904 Jonathan PUCCI .....

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

This statement (consisting of 2 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 anything which I know to be false or do not believe to be true.

Signature ..... Date: 20/01/2013 .....

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

I am the above named person and am an officer with South Yorkshire Police and I am currently based at Ecclesfield Police Station.

On Sunday 4<sup>th</sup> November 2012, I was on mobile patrol with SPC7265 BOTTELEY in a marked police car in full uniform. We were requested by KL control to attend at The Timbertop, Shirecliffe Road, Sheffield following reports of an assault at the location.

Upon our arrival, we met with the landlord whom I now know to be Mark BREAME [redacted] who had sustained an injury to his left eye area. BREAME advised that a male who was unknown to him had been drinking in the pub and had assaulted him. The male had since left the pub.

The pub itself was reasonably empty with only 5 or 6 residents inside. These people were spoken to and all claimed to have no knowledge of the assault or who the offender was. There were 2 members of bar staff working, a male called [redacted] and a female called [redacted]

Signature: ..... Signature Witnessed by: .....

**RESTRICTED (when complete)**

ALL

Continuation of Statement of: PC3904 Jon PUCCI .....

Page 2

Both were contacted the following day and stated that they would not be providing statements as they had nothing evidential to provide.

It was noted that there were no door staff on duty at the time of my attendance but CCTV was recovered from the premises.

I played no further part in this matter at that time.

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 Daniel Laycock .....

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: Police Constable 2667 .....

This statement (consisting of 2 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 anything which I know to be false or do not believe to be true.

Signature D. Laycock (witness) Date: 30<sup>th</sup> December 2012 .....

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

I am a police constable in South Yorkshire Police currently based at Ecclesfield police station in Sheffield.

On 4<sup>th</sup> December 2012 I was on duty in full police uniform in company with PC897 Doyle. At 20:00hrs I have attended to the Timber Top public house on Shirecliffe Road, Sheffield to conduct a licensing visit at the premises. On arriving at the premises I have driven towards the front door in the front car park and I have seen a black male run into the premises on seeing our vehicle.

I have alighted our vehicle and there was immediately an over whelming smell of cannabis present inside the doorway of the premises. I entered the premises to try and locate the male that I had seen, as I got inside the premises he was just coming back out of the toilet area. I detained this male and informed him he was to be searched under the misuse of drugs act due to the smell of cannabis.

I checked the males details on my police issue blackberry, the details he provided were [redacted] and this was confirmed as correct on my blackberry. [redacted] was searched along with the toilet area inside the public house but it is suspected that [redacted] had discarded items prior to me entering the building. After been searched [redacted] left the premises.

Signature: D. Laycock Signature Witnessed by: .....

A46

Continuation of Statement of: Daniel Laycock

I then spoke with the designated premises supervisor and informed him of what had taken place. He told me that the male had been standing there for over an hour and he suspected that he was a drug dealer however when asked if he had contacted police he replied "NO I DIDN'T".

When questioned further regarding this there was no explanation given for not contacting police earlier rather than waiting for us to arrive to conduct a licensing visit. I did explain to the supervisor at this point that this could have been a missed opportunity to secure and preserve potential evidence of drug misuse and possible dealing at the premises. It also became apparent that the DPS had not been to speak or challenge the male himself even though the smell of cannabis was clearly present.

Signature: D. Laycock Signature Witnessed by: .....

AC7

**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 Simon James STEAD.....

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: Police Community Support Officer .....

This statement (consisting of 1 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 anything which I know to be false or do not believe to be true.

Signature  (witness) Date: 28/12/12.....

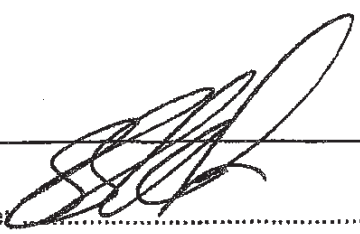
Tick if witness evidence is visually recorded  (supply witness details on rear)

I am a police Community Support Supervisor, employed by South Yorkshire Police and based at Ecclesfield police Station.

At 2000hrs on the 7<sup>th</sup> December 2012 I was on duty in full uniform and visited the Timbertops public House, Shirecliffe Road, Sheffield as part of the SNA licensing visits to liaise with the landlord. On arrival at the premises there was a strong smell of cannabis in the entrance to the premises, which is the outer door to the car park. In addition, on entering the premises, the cannabis could be smelt inside the doorway. As part of my visit, I spoke with the DPS who did not make comment on the smell of the cannabis.

At 2045 hrs on the 11<sup>th</sup> December 2012 I was again on duty in full uniform and visited the Timbertops public house to speak to the landlord as part of the SNA licensing engagement. On arrival at the premises, there was a small group of males approximately 8 in number outside the main door to the premises. On entering the car park in a marked police vehicle, one male was seen to run off down the side of the pub, due to poor lighting I was unable to offer any description. There was again a very strong smell of cannabis outside the premises at the main door and inside the premises near the main door. Again, the DPS did not make any comment on the smell.

Both of the visits above were recorded on the Inn Keeper database.

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 Richard McNamara .....

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: Police Sergeant 1841 .....

This statement (consisting of 2. 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 anything which I know to be false or do not believe to be true.

Signature R McNamara *[Signature]* (witness) Date: 12/1/13 .....

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

I am Police sergeant 1841 McNamara, serving with the South Yorkshire Police and stationed at Ecclesfield Police Station based with the North East Safer Neighbourhood Team.

I can state that at 10:45pm on Friday 11<sup>th</sup> January 2013 I was on duty in full Police uniform when as a result of a licensing visit I attended in company with other officers at the Timbertops public House, Shirecliffe Road, Sheffield. At this time I spoke with the licensee Mr Mark Breame with regard ongoing reports of drug activity and allegations that males on the premises had firearms in their possession. I noted there to be approximately 30 people inside the public house, these people comprised both men and women but also a group of 7 young men who were behaving aggressively and evasively and well known to the Police. One of these being Joe Brett Mitchell 7/8/1996 aka Webster who we had, had firearms intelligence concerning.

I noted no children to be on the premises and although people were in drink, no-one to be excessively drunk.

Assisted by other officers the males in the public house who were suspected as possessing drugs were searched under S.23 Misuse of Drugs Act 1971 and a thorough search was made of the public house by a trained Police Drugs dog and handler. No drugs or firearms were found, however I noted evidence of cannabis being smoked outside in the smoking area at the front entrance to the premises.

Signature: R McNamara *[Signature]* Signature Witnessed by: .....

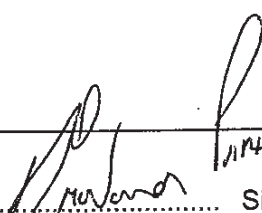
A49

Continuation of Statement of: Richard McNamara

Page 2

The licensee was spoken to at length by me and was found to be totally sober and fully compliant and agreed to close the pub early for the evening at around 11:15pm as a result of my concerns re the males present and intelligence in my possession.

Following this I had cause to leave the premises and document my actions.

Signature: R McNamara  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 Edwin Jones .....

Age if under 18 Over 18 .... (If over 18 insert "over 18") Occupation: Police Constable 1131 .....

This statement (consisting of 1 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 anything which I know to be false or do not believe to be true.

Signature [Signature] (witness) Date: 25.01.2013

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

I am a Police Constable in the South Yorkshire Police currently stationed at Ecclesfield Police Station, in Sheffield.

At 1320 hrs on Friday 25<sup>th</sup> January 2013 I was on full uniformed mobile patrol in company with PCSO Supervisor 8015 Simon Stead, in a marked Police Vehicle, when I attended at The Timbertop Public House, situated on Shirecliffe Road, Shirecliffe, Sheffield.

At this location, I spoke to the Landlord a male who I now know to be Mark Douglas Breame. The purpose of my visit was to ascertain if the CCTV System at the location had been updated.

On speaking to Breame it was ascertained that the system had not been updated, although it had been due to be updated shortly after the Christmas period. He further stated that at this moment in time he did not have a date when the system would be improved. It was apparent from speaking to him that he was liaising with the manager from his head office, a man by the name of Bruce Gee and that he would be further speaking to him in efforts to have the system updated.

The pub at this time was very quiet and on our arrival had only 2 customers present.

Signature: E Jones [Signature] Signature Witnessed by: [Signature]

**THE LICENSING ACT 2003**

**Premises Licence No: SY 0295 PR**

**Issue No: 9.**

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**

Timbertops  
Shirecliffe Road  
Sheffield  
S5 8XH

**Telephone Number: 0114 243 7681**

**Where the licence is time limited, the dates:**

Not applicable.

**Licensable activities authorised by the licence:**

<b>1. Provision of regulated entertainment:</b>	<b>Indoor</b>
(a) live music	
Sunday	11:00 to 24:00 hours
Monday	10:00 to 24:00 hours
Tuesday	10:00 to 24:00 hours
Wednesday	10:00 to 24:00 hours
Thursday	10:00 to 24:00 hours
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour
(b) recorded music	<b>Indoor</b>
Sunday	11:00 to 24:00 hours
Monday	10:00 to 24:00 hours
Tuesday	10:00 to 24:00 hours
Wednesday	10:00 to 24:00 hours
Thursday	10:00 to 24:00 hours
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring Bank/Whitsuntide Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday, and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day.

**PART 2**

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

SB Leisure Management Ltd  
Scarborough Arms  
34 Addey Street  
Upperthorpe  
Sheffield  
S6 3FU

**Telephone Number:** 07545324615

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

06778722

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

Mark Douglas Breame  
Pestal & Mortor  
Old Market Place  
Grimsby  
DN31 1DT

**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:** PR000606  
**Issuing Authority:** North East Lincolnshire

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

Restricted.

**This Premises Licence shall be in force from the Second Appointed Day.**

**Issued on:** 7<sup>th</sup> September 2005.

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

<b>Sheffield City Council – For Office use only</b>		
Variation of Premises Licence		
Variation of DPS	8	Granted 31 <sup>st</sup> May 2011
Transfer of Premises Licence	1	Granted 31 <sup>st</sup> May 2011



**Annex 1B - Mandatory Conditions effective from 6<sup>th</sup> April 2010:**

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 2 – Conditions consistent with the operating schedule**

1. Illumination is provided to the exterior areas of the pub
2. The DPS will be a member of the local 'Licence Watch' (as long as it exists).
3. Anyone who appears to be under the age of 21 shall require appropriate proof of age before being served alcohol.
4. The pub will actively enforce a zero tolerance policy on illegal drugs.
5. Health and safety policy in place and adhered.
6. All emergency lighting and illuminated exit signs are to be maintained as appropriate.
7. All fire fighting equipment, fire alarms, electrical and gas appliances are to be tested annually. Certificates relating to these inspections must be kept on the premises and made available to council officers as appropriate.
8. Downstairs windows are to remain closed during opening times.
9. Signs near the exits of the premises must clearly communicate that members and guests must respect the needs of local residents, and leave the premises quietly.
10. All persons under the age of 18 to be accompanied by an appropriate adult. Such persons are only to be allowed in designated areas and must be off the premises by 16:00 hours.
11. No striptease or nudity is to be permitted.

# Appendix B

**Business Strategy & Regulation**

B1

Director of Business Strategy & Regulation: Mick Crofts

**Health Protection Service**

2-10 Carbrook Hall Road • Sheffield • S9 2DB

Fax No. (0114) 273 6464

Officer: Mr S. Gibbons

Tel: 0114 273 4616

Ref: Timbertop/seg

Date: 26 February 2013

SB Leisure Management Ltd

Scarborough Arms

34 Addey Street

Upperthorpe

SHEFFIELD

S6 3FU

Dear Sirs

**Licensing Act 2003**

**Review of the premises licence for;**

**Premises: Timbertops, Shirecliffe Road, Sheffield S5 8XH**

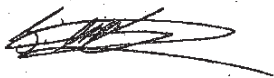
I write with reference to the application to review the premises licence for the above premises, as submitted by South Yorkshire Police.

Various attempts have been made by this Service to engage with SB Management Ltd to address items which have been deemed detrimental to public safety. Unfortunately, these items have not been satisfactorily addressed and therefore I have no alternative than to support the above review as the Responsible Authority for Public Safety.

I attach a copy of a letter dated 2 August 2012.

If you require any further information, please do not hesitate to contact me on the telephone number shown.

Yours faithfully



Mr Sean Gibbons  
Environmental Health Officer

Copy Via Email    Legal & Governance – Licensing General Section

Email Address: [HealthProtection@sheffield.gov.uk](mailto:HealthProtection@sheffield.gov.uk)

Visit us at: [www.sheffield.gov.uk/environment/how-we-work/health-protection/](http://www.sheffield.gov.uk/environment/how-we-work/health-protection/)

Large print versions of this letter

are available by telephoning

(0114) 273 4415/273 5774

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Copy Via Post

E Payne  
South Yorkshire Police Licensing Team  
Attercliffe Police Station  
60 Attercliffe Common  
Sheffield  
S9 2AD

B2

## Business Strategy & Regulation

Director of Business Strategy & Regulation: Mick Crofts

### Health Protection Service

2-10 Carbrook Hall Road • Sheffield • S9 2DB

Fax No. (0114) 273 6464

Officer: Mr S Pitts

Tel: 0114 273 4616

Ref: TimbertopsH/rl

Date: 2 August 2012

SB Leisure Management Ltd  
Scarborough Arms  
34 Addey Street  
Upperthorpe  
SHEFFIELD  
S6 3FU

Dear Sirs

### Licensing Act 2003

**Premises: Timbertops, Shirecliffe Road, Sheffield S5 8XH**

I write with reference to the joint inspection carried out on 26 July 2012 in connection with the Premises Licence and advise you that the following items require your attention within 28 days from the date of this letter.

### Licensing

#### Electrical Safety

1. A satisfactory electrical certificate for the premises should be current and available for inspection by Licensing General and the responsible authority on request. The test must be in accordance with the IEE Regulations and carried out by a competent person.
2. The electrical supply serving amplified music equipment for live entertainment and DJ must be protected by a permanently fixed residual current device (RCD).

#### Children's Area

1. It was agreed that an area designated for families with children would be the far right hand side of the lounge bar.

The punch ball machine is to be removed and adequate seating is to be provided.

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Email Address: [HealthProtection@sheffield.gov.uk](mailto:HealthProtection@sheffield.gov.uk)

Visit us at: [www.sheffield.gov.uk/environment/how-we-work/health-protection/](http://www.sheffield.gov.uk/environment/how-we-work/health-protection/)

Large print versions of this letter  
are available by telephoning  
(0114) 273 4415/273 5774

### Ladies Toilet Facilities

1. One of the washbasins has not got hot water supply due to a broken tap which must be repaired/replaced.
2. The broken light cover in one of the WC compartments gives access to live conductors and must be replaced.

### Gents' Toilets

1. The flushing system to one of the urinals is not working and must be put into working order.
2. The pipe work to all the urinals is insecure and requires suitable fixing to the wall.
3. Broken wall tiles do not facilitate cleaning and must be replaced.
4. There is no hot water at one of the washbasins due to a broken tap. This must be repaired/replaced.
5. The hand dryer is not working and requires repairing/replacing.

### Function Room

1. The toilet facilities serving the function room are closed due to a leaking roof. Repairs must be carried out to put them back into good repair. The function room should not be used until the facilities are restored.
2. The leaking radiator pipe work at the rear of the function room requires to be repaired. Again this area must not be used due to wet floors causing a slip hazard.
3. Repair the panic door mechanism to the fire escape door and infill the gap at the side of the existing fire escape stair.

### External Area

1. As the premises licence holder you are required to take steps to ensure that the tipping and burning of waste is prevented. Suitable barriers can be provided to deny access to unauthorised vehicles.
2. The car park area must be cleared of all broken glass, cable sheathing etc. Routine checks to ensure that the area is kept clear are required.
3. The gate to the barrel storage area requires repairing to keep the area secure.
4. Access to the left side and rear of the premises from the front car park needs to be gated. The gate must be of a suitable height, open into the car park and the latch must be on the opposite side from the car park to prevent children from accessing the area.
5. The gap at the side of the existing fire escape stair requires infilling.

## General Health, Safety and Welfare

### Electrical Safety

1. Appliances such as glass washers, icemakers etc require testing to ensure that the equipment is safe.
2. The Electricity at Work Regulations 1989 places a duty on persons in control of premises to maintain electrical equipment and the overall electrical system to the building. A competent person should determine the type and frequency of maintenance which is necessary to avoid danger.

### Gas Safety

1. It is a legal requirement that all gas boilers and appliances are inspected every year by a Gas Safe registered engineer to make sure that the installation is safe. A copy of the report should be sent to this service.

The Gas Safe Register replaced CORGI gas registration in Great Britain on 1<sup>st</sup> April 2009.

2. Gas boilers and gas appliances should be inspected every year with appropriate maintenance records kept.

The Gas Safety (Installation and Use) Regulations 1998 (as amended) places duties on gas consumers, installers, suppliers and landlords.

It is against the law for any person who is **not** registered or covered by his/her employer's registration with the Gas Safe Register, to work on the maintenance or installation of gas fittings. This includes not only employers, employees and self-employed but also any handyman, kitchen installers, or builders who may only work on gas fittings occasionally.

All registered gas engineers will carry a Gas Safe Register ID card with their own unique licence number, showing the type of gas work they are qualified to do. Before any gas work is carried out, make sure you check their Gas Safe Register ID card.

To check registration details visit [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk) or telephone 0800 4085500. Their address is Gas Safe Register, PO Box 6804, Basingstoke, RG24 4NB.

The Gas Safe Register replaced CORGI gas registration in Great Britain on 1<sup>st</sup> April 2009.

### Slips, Trips and Falls

1. In order to control the risks from slips, trips and falls, you must ensure that access routes and staircases are free from obstructions, suitably constructed and have adequate lighting. The surfaces of floors need to be free from holes and give the appropriate slip resistance. For bars and associated areas, a wet pendulum test rating of 35 or above is required. Spillages must be promptly cleaned up and wet floor signs used, anti slip mats are required in all entrances.



## Cellar

1. The cellar was not entered due to the absence of an asbestos register on the premises.

## Asbestos – Duty to Manage

### 1. Management of Asbestos

The Control of Asbestos Regulations 2006, Regulation 4, which came into force on the 13 November 2006, places a legal duty on the owner / occupier / managing agent of non-domestic buildings to develop an asbestos management plan.

This means that you must:-

- Find out whether or not there is any asbestos in the building
- Presume that materials contain asbestos unless there is strong evidence to suggest they do not
- Assess the condition of any asbestos found as to whether or not it is likely to be damaged or disturbed to determine the risk of exposure
- Identify if any action is needed to manage the asbestos in the building (i.e. sealing, encapsulation, or removal).
- Keep records of the presence of asbestos in the building and identify its location by labelling affected areas and/or drawing up a reference plan
- Warn people who intend to work on the building e.g. contractors, of the presence and location of asbestos to prevent accidental exposure
- Regularly check the condition of asbestos in the building and review and update the plan.

Remember

- Asbestos is only dangerous when disturbed. If it is safely managed and contained it does not present a health hazard.
- Don't remove asbestos unnecessarily. Removing it can be more dangerous than simply containing it.
- If you don't know get expert help

The approved code of practice- "the management of asbestos in non-domestic premises" L127 (2<sup>nd</sup> edition 2006) is guidance on how to comply with Regulation 4, and is available from the Health and Safety Executive (HSE), by telephone 01787 881165, and from bookshops. Other priced and free publications are also available. Free leaflets, including (A short guide to Managing Asbestos in premises INDG223 (rev 3) ISBN 0 7176 2564 8) can be downloaded from HSE's website: <http://www.hse.gov.uk> - Free Leaflets - Asbestos.

Please ensure that a copy of the asbestos register is kept on site.

## Accidents/First Aid

1. The Health and Safety (First Aid) Regulation 1981 require employers to provide adequate and appropriate equipment, facilities and personnel to enable first aid to be given to employees if they are injured or become ill at work. What is adequate and appropriate will depend on individual circumstances and first aid needs should be assessed. However, the minimum provision is a suitably

B7

stocked first-aid box and an appointed person to take charge of first aid arrangements. The provision of a qualified first aider is necessary if you employ 50 or more persons or in situations where the hazards from work activities is high.

2. An accident book should be provided to record any accidents which occur on the premises.
3. The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) require that certain categories of accidents occurring at work involving employees/non-employees/self-employed are reported to this Service or the National Incident Contact Centre based at Caerphilly. I enclose guidance booklet HSE31 and an information leaflet on reporting to the new incident centre.

In accordance with section 28(8) of the Health and Safety at Work etc Act 1974 I am required to give information to employees on any matters relevant to their health and safety. I would be grateful therefore if you could circulate a copy of this letter to employees and to employee representatives or alternatively a copy letter can be displayed on the staff notice board. The above action will assist in your overall duty under the Health and Safety (Consultation with Employees) Regulations 1996 to consult employees on health and safety at work issues. If you have any difficulties in copying the letter please contact me on the number shown and a further copy will be provided.

I trust you will give these matters your urgent attention. Should you have any queries do not hesitate to contact me on the telephone number shown above.

Yours faithfully



Mr S R Pitts  
Environmental Health Technician

Copy Via Email      1) Legal & Governance – Licensing General Section

Copy Via Post      The Timbertop  
Shirecliffe Road  
SHEFFIELD  
S5 8XF

Copy Via Post      Melanie Hague  
Business and Development Manager  
SB Leisure Group  
Security Building  
Station Lane  
CHESTERFIELD  
S40 2TJ

# Appendix C



C1

Address correspondence to:

Julie Hague  
Sheffield Safeguarding Children  
Board - Licensing Project  
Floor 2  
Redvers House  
Union Street  
Sheffield S1 2JQ  
Telephone: 0114 2736753  
Email: [Julie.hague@sheffield.gov.uk](mailto:Julie.hague@sheffield.gov.uk)  
Fax: 0114 2734628

4<sup>th</sup> March 2013

The Licensing Authority  
Town Hall  
Surrey Street  
Sheffield

Dear Sirs

**APPLICATION TO REVIEW THE PREMISES LICENCE: TIMBERTOPS, SHIRECLIFFE ROAD, SHEFFIELD S5 8XH**

I am writing to make a representation on behalf of the Safeguarding Children Board as the Responsible Authority for the protection of children from harm under the Licensing Act 2003. The reason for the representation is that safeguarding concerns have been identified in relation to the style and character of the premises which does not provide a suitable family friendly environment.

The Safeguarding Children Board has been involved with the premises for a number of years due to the pub's history of drug use/dealing which has continued to occur despite a change to the premises management in June 2011. Since that time the Safeguarding Children Board has been working in partnership with the premises management (see annex 1 chronology) to improve the environment and make it safe and family friendly. The premises licence currently permits children until 4pm however children may also access the premises to attend parties/functions including under temporary event notices.

The safeguarding concerns identified are that the environment at the premises is becoming increasingly unsuitable and hostile for children; the pub is known to attract adults known to the police to be associated with organised crime gangs, there is drug use/dealing and violent assaults have taken place. I note that the police evidence states that drug use/dealing takes place inside and outside, in the car park area, both of these locations are accessed by children who are at risk of being exposed to criminality or people under the influence of drugs. Furthermore, health and safety issues have been identified at the premises and I have during my visits witnessed a collapsed ceiling in the function room toilets and a significant amount of debris and hazardous rubbish in the rear external area of the premises.

Despite the enforcement of an action plan and the premises management being advised to improve staff/security staff and vigilance (CCTV and Patrols) the premises has not achieved a culture change. The main trade at the premises is for the sale and consumption of alcohol and the premises provides an adult-orientated environment. In light of the issues identified, I am concerned that the premise fails to provide a suitable, family friendly environment. Whilst the

C2  
Safeguarding Children Board recognises that the Designated Premises Manager and representatives of SB Leisure have been willing and co-operative to engage in partnership work, the evidence demonstrates a continued lack of monitoring systems and control of the environment. I note from the discussions at various multi agency meetings that there appears to be no identifiable pattern as to when illegal or dangerous activity takes place and I am concerned that if children are allowed access they will be at risk of significant harm. Whilst there is currently an agreement with the premises management to prohibit persons under the age of 18, this arrangement is not a licence condition and so may change without notice. In light of the above, I would ask the Licensing Sub Committee to take positive action to improve the safeguarding measures at the premises.

Yours sincerely

**JULIE HAGUE**  
**Licensing Project Manager**

## ANNEX 1: CHRONOLOGY

C3

26.7.12	<p>Multi agency visit. A number of children were observed playing in the external area. A discussion took place and an action plan was agreed (annex 2) including:</p> <ul style="list-style-type: none"><li>• a designated family area should be used in line with Health Protection advice</li><li>• DPS to attend multi agency safeguarding training</li><li>• Vigilance should be improved including the maintenance of patrol logs</li><li>• Staff should be trained to enforce the action plan policies and licence conditions.</li></ul> <p>Advice letter issued (annex 3) and training offer issued (annex 4).</p>
17.10.12	<p>DPS Mr Breame and SB Leisure Manager Ms Hague attended the safeguarding training.</p>
29.10.12	<p>Multi agency meeting to review the action plan. I noted that the DPS had not yet joined Licencewatch and checked/confirmed their telephone number. I noted with concern that: the children's risk assessment was not fully completed as key risks had not been addressed - risks were discussed and added; an incident book and patrol records were absent to evidence that the premises management were improving their level of vigilance and control at the premises. Advice letter issued (annex 5).</p>
20.11.12	<p>Multi agency meeting. Training records and refusals logs in place. Staffing levels were discussed to improve safety and vigilance. In light of the continued concerns regarding the increasingly hostile environment I agreed with the DPS that all under 18's would be prohibited at the premises. Advice letter issued (annex 6).</p>

**JULIE HAGUE**  
4.3.13

TIMBERTOPS: SAFEGUARDING MEASURES FOR MULTI AGENCY ACTION PLAN, JULY 2012

Number	Action required	Date to be Achieved by	Completion Date	Remarks
1	The DPS to become an active member of 'Sheffield Licence Watch' and any localised sub groups. To attend all meetings unless this is impractical after taking all reasonable steps.			
2	The 'Challenge 25' procedure to be operated by all staff and all systems to be in place as set out in the multi agency guidance 'Criteria for a Recognised Proof of Age Scheme'. (Copy provided.) All staff to be trained to operate the scheme. Content of the training is to comply with the recommendations set out in the 'Criteria for a Recognised Proof of Age Scheme' including maintenance of staff training records. Staff Training records to be available to the Responsible Authorities on request.	Within 7 days of this contract		
3	To display relevant posters and information relating to the supply of alcohol to underage customers in prominent positions that are visible both inside and outside the premises, and at the point of sale.	Within 7 days of this contract		
4	A colour CCTV system to the specification of South Yorkshire Police (provided) will be fitted, maintained and in use at all times the premises are open. CCTV images will be stored for 28 days. Police will be given access to, and copies of images for purposes in connection with the prevention and detection of crime and disorder. A minimum of one member of staff to be trained to operate the system. Cameras to include monitoring of the front and rear external areas.			

TIMBERTOPS: SAFEGUARDING MEASURES FOR MULTI AGENCY ACTION PLAN, JULY 2012

C5

5	The Children's Charter to be displayed and its principles enforced. (copy provided)	Immediate effect		
6	Signage indicating restrictions to children's access to the premises must be displayed (children's charter to display 4pm time off in compliance with the licence conditions).	Within 7 days of this contract		
7	An incident book must be maintained and be made available upon request for inspection by the Responsible Authorities under the Licensing Act 2003. This book should record details of any actions taken by the premises management in response to incidents.	Within 7 days of this contract.		
8	Zero tolerance to drugs policy to operate.	Within 7 days of this contract		
9	A 'Children's Safeguarder' will be assigned at the premises. This person must attend the training provided by the SSCB and comply with the guidance issued by the SSCB. (Description of this role provided.) Training offer letter provided.	Within 7 days of this contract SSCB Training to be attended on 17.10.12		
10	A children and young people's risk assessment must be completed in writing and retained as part of the premises management's due diligence records. A risk assessment tool has been provided. Risks identified in this process will inform the premises policy regarding access to children to the external areas.	Within 7 days of this contract		



**TIMBERTOPS: SAFEGUARDING MEASURES FOR MULTI AGENCY ACTION PLAN, JULY 2012**

11.	A policy to prevent adults leaving children in outside areas unsupervised shall be enforced and signage shall be displayed to help enforce this	With immediate effect.	
12	Designated staff must regularly patrol the premises to monitor for: noise nuisance; parent/carer supervision of children; anti social behaviour; underage drinking/proxy purchase; drug use/dealing. Patrols to be recorded. (patrol record provided)	Within 7 days of this contract.	
13	Staff to be trained to enforce the licence conditions and action plan measures.	Within 7 days of this contract.	

file



Annex 3  
C7

30<sup>th</sup> July 2012

SB Leisure Management Limited  
Scarborough Arms  
34 Addy Street  
Sheffield S6 3FU

Address correspondence to:

Julie Hague  
Sheffield Safeguarding Children  
Board - Licensing Project  
Floor 2  
Redvers House  
Union Street  
Sheffield S1 2JQ  
Telephone: 0114 2736753  
Email: [Julie.hague@sheffield.gov.uk](mailto:Julie.hague@sheffield.gov.uk)  
Fax: 0114 2734628

Dear Sirs

**SAFEGUARDING CHILDREN UNDER THE LICENSING ACT 2003:  
TIMBERTOPS, SHIRECLIFFE ROAD, SHEFFIELD S5 8XH**

Further to our meeting at the above premises on 26<sup>th</sup> July, which was also attended by representatives of other Responsible Authorities, Ms Hollis from the Licensing Authority and Ms Melanie Hague from your organisation. I am writing to confirm the key points of our discussion and the advice provided to Ms Hague and the Designated Premises Supervisor to address concerns raised in relation to safeguarding children at the premises.

At our meeting we discussed the history of the premises in relation to the risks presenting to children, including: criminal activity; adult customers failing to supervise their children and allowing them to play unsupervised in the external areas at the premises; and children's parties/family functions exceeding the current licence restriction of 4pm.

To ensure the premises provides a safe, family friendly environment and that licence conditions are complied with, a number of safeguarding measures were agreed as set out below. Please note that these measures will also be included in a multi agency action plan that is being co-ordinated by South Yorkshire Police.

1. The Challenge 25 proof of age scheme will operate in compliance with the partnership guidance issued by the Safeguarding Children Board, Trading Standards and Police. (I enclose a copy of this guidance for your assistance.) You were provided with a Responsible Retailer pack and Refusals Register by Mr Ward to assist you in preventing underage sales of alcohol or other age restricted goods.
2. In response to incidents relating to drug use/dealing you have agreed to work with the police by reporting incidents and maintaining an incident log. You have also agreed to ban individuals who fail to behave responsibly.
3. To ensure adults remain with and supervise their children you have agreed to display and enforce the 'Children's Charter'. For your assistance, I enclose 2 copies of the charter. Signage in the external areas to discourage adults from leaving children unsupervised will also be displayed.
4. I also advise that a children and young people's risk assessment should be completed. For your assistance, I enclose a risk assessment document which should be

completed and retained as part of your due diligence records. The risk assessment should inform your general operating policy and should inform your staff training.

C8

5. With regard to the issue of your current licence condition that children must be off the premises by 4pm, I advised:
  - a. Children must be supervised at all times by a responsible adult inside and outside of the premises.
  - b. Until such a time that the premises licence is varied, children are not permitted after 4pm unless the premises is operating under a Temporary Event Notice. This applies to parties/functions/wakes etc as discussed. If you need further information about Temporary Events Notices please contact the Licensing General Team, Sheffield City Council, telephone 0114 2734264.
6. A Children's Safeguarder should be assigned at the premises immediately. I have enclosed a description of this role and advice and support (including training) is available from the SSCB Licensing Project free of charge. I confirm that 2 places have been reserved for you on the next available training which takes place on 17.10.12 and I enclose a letter with further details inviting you to attend.
7. You have agreed that the health and safety advice, as provided by Mr Gibbons/Mr Pitts of the Health Protection Service, will be followed regarding the location of the designated family area and that all debris/broken glass etc will be removed from the external areas so that children using the site are not at risk of harm.
8. Regular patrols of the premises using CCTV and staff, should be undertaken and recorded to monitor customer behaviour (including parent/carer supervision, anti social behaviour, underage drinking or proxy purchase, criminal activity) and to ensure your operating policies are enforced. I enclose a patrol log to assist with this.
9. To ensure compliance with your licence conditions it was agreed that the DPS Mr Breame will contact Sheffield Licencewatch (0114 2758688) to arrange membership.

If you have any queries or need further advice about safeguarding children at the premises please don't hesitate to contact me. I look forward to hearing from you with confirmation of who will be attending the training on 17<sup>th</sup> October 2012.

Yours sincerely

**JULIE HAGUE**  
**Licensing Manager**  
**Sheffield Safeguarding Children Board**

cc Licensing Authority  
SY Police  
DPS, Mr Breame, Timbertops, Shirecliffe Road, Sheffield S5 8XH

*File*



*Annex  
4  
C9*

30.7.12

SB Leisure Management Ltd  
Scarborough Arms  
34 Addy Street  
Sheffield S6 3FU

Address correspondence to:

Julie Hague  
Sheffield Safeguarding Children Board (Licensing Project) oard  
Floor 2  
Redvers House  
Union Street  
Sheffield S1 2JQ  
Telephone: 0114 2736753  
Email: [Julie.hague@sheffield.gov.uk](mailto:Julie.hague@sheffield.gov.uk) k  
Fax: 0114 2734628

Dear Sir/Madam

**THE PROTECTION OF CHILDREN AT LICENSED PREMISES - LICENSING ACT 2003  
OFFER OF FREE STAFF TRAINING: TIMBERTOPS, SHIRECLIFFE ROAD, SHEFFIELD S5 8HX**

I am writing to confirm that 2 places have been reserved for the Designated Premises Supervisor or other suitable members of staff, on the multi-agency 'Safeguarding Children at Licensed Premises' training workshop. The workshop is free of charge and will take place as follows:

**Date: 17.10.12**

**Time: 1.15pm to 5.15pm**

**Venue: STADIA TECHNOLOGY PARK, 60 Shirland Lane, Sheffield S9 3SP**

The purpose of the workshop is to support you to operate the premises legally and responsibly, with due regard for the protection of children. It is important to attend the workshop in addition to any other training you may attend, as this training is recognised by the Sheffield Licensing Authority and will assist you with improving partnership work with the responsible authorities and finding out what services are available in Sheffield to help you; attendance will go towards your test of due diligence and help you to demonstrate that you are trying to address issues at the premises. Records of attendance will be maintained and shared with South Yorkshire Police, Sheffield City Council Trading Standards and the Licensing Authority.

Meanwhile, please ensure that the following systems are operating at the premises (immediate advice about age verification is available from Greg Ward, Trading Standards (0114 2736241):

- The Challenge 21 (OR 25) scheme: All staff must be trained to operate this, including managing confrontation, keeping a refusals log and knowledge of which types of identification are legitimate and acceptable.
- Staff training records must be maintained including the signature of trainees, details of the training delivered and dates, including refresher training.
- Signage to highlight the Challenge 21 OR 25 scheme and to highlight the law in relation to children and alcohol must be prominently displayed.
- A children and young people's risk assessment should be undertaken and this should inform your operating policy and staff training. Assistance with the risk assessment process including a risk assessment tool is available from the Sheffield Safeguarding Children Board (contact details above).

Materials such as posters and other signage to promote your proof of age scheme are also available to download from the internet at <http://www.noidnosale.com/>; or <http://www.drinkaware.co.uk/resources>. Proof of age materials may also be obtained from [info@validateuk.co.uk](mailto:info@validateuk.co.uk) to assist customers who do not have other types of acceptable identification.

**TO SECURE A PLACE PLEASE CONFIRM BY 30<sup>th</sup> SEPTEMBER 2012. DELEGATES ATTENDING THE WORKSHOP MUST BRING PHOTO ID (passport or driving licence) IN ORDER TO OBTAIN A CERTIFICATE OF ATTENDANCE. Please let us know in advance if you have any special requirements to access the training.**

Yours sincerely  
JULIE HAGUE

Licensing Project Manager, Sheffield Safeguarding Children Board



C10

30<sup>th</sup> October 2012

SB Leisure Management Limited  
Scarborough Arms  
34 Addy Street  
Sheffield S6 3FU

Address correspondence to:

Julie Hague  
Sheffield Safeguarding Children  
Board - Licensing Project  
Floor 2  
Redvers House  
Union Street  
Sheffield S1 2JQ  
Telephone: 0114 2736753  
Email: [Julie.hague@sheffield.gov.uk](mailto:Julie.hague@sheffield.gov.uk)  
Fax: 0114 2734628

Dear Sir

**SAFEGUARDING CHILDREN UNDER THE LICENSING ACT 2003:  
TIMBERTOPS, SHIRECLIFFE ROAD, SHEFFIELD S5 8XH**

Further to our meeting at the above premises on 29<sup>th</sup> October, which was also attended by Sgt Charlesworth and Ms Payne of South Yorkshire Police, Mr Breame (DPS) and Ms Melanie Hague from your organisation. I am writing to confirm the key points of our discussion and the agreements made in relation to safeguarding children at the premises and the action plan review.

At our meeting we discussed progress in relation to the multi agency action plan that is being co-ordinated by South Yorkshire Police. The following was noted:

1. The Challenge 25 proof of age scheme is in operation, signage is in place and a refusals record being maintained. I note that you have staff training records in relation to age restricted products and that you are in the process of joining the Responsible Retailer scheme.
2. An incident log is not being maintained and incidents are not being reported by the premises management to the police. It was agreed that an incident log will be maintained with immediate effect. You have also agreed to ban individuals who fail to behave responsibly as this is not currently being actioned.
3. The 'Children's Charter' is on display along with signage in the external areas to discourage adults from leaving children unsupervised will also be displayed.
4. The children and young people's risk assessment has not been completed. It was agreed that this will be done by 5.11.12 and will be retained as part of your due diligence records. The risk assessment should inform your general operating policy and should inform your staff training by 5.11.12.
5. With regard to the issue of your current licence condition that children must be off the premises by 4pm, you confirmed that staff are aware of and enforcing this licence condition. You also confirmed that the function room is not currently in use due to the repair of the ceiling and that no children's parties are planned after 4pm.

- C11
6. Both Mr Breame and Ms Mel Hague have attended the multi agency safeguarding training on 17.10.12 and it was confirmed that Mr Breame will act as the Co-ordinator for safeguarding children.
  7. You confirmed that the Health Protection Service have been consulted in relation to the designated family area.
  8. I note that the premises management is liaising with Mr Khan, building owner regarding removal of debris/broken glass etc from the external areas so that children using the site are not at risk of harm, in line with advice issued by the Health Protection Service.
  9. CCTV is in the process of being fitted to some areas. In addition to this it was agreed that staff should patrol to monitor customer behaviour (including parent/carer supervision, substance misuse/drug dealing, anti social behaviour, underage drinking or proxy purchase) to protect children from being exposed to inappropriate or dangerous adult activity and to ensure that your operating policies are enforced.
  10. I note that Mr Breame has been unable to contact Sheffield Licencewatch on the number previously given in order to join and comply with the licence conditions. I confirm that the number previously given is operational and that Licencewatch can be contacted on 0114 2758688.
  11. I recommended that the premises management should request free training places for staff in relation to drug awareness: contact Tracey Ford at the Drug and Alcohol Action Team telephone 0781330901 to arrange.
  12. It was also agreed that an in-house multi agency training session can be provided to staff at the premises: Ms Mel Hague to contact Julie Hague to arrange suitable dates for staff.
  13. It was agreed that all outstanding items of the action plan must be completed by 12.11.12 including all due diligence records.

If you have any queries or need further advice about safeguarding children at the premises please don't hesitate to contact me.

Yours sincerely

**JULIE HAGUE**  
**Licensing Manager**  
**Sheffield Safeguarding Children Board**

cc Licensing Authority  
SY Police  
DPS, Mr Breame, Timbertops, Shirecliffe Road, Sheffield S5 8XH

*file*



*Annex 6.  
C12*

12<sup>th</sup> December 2012

SB Leisure Management Limited  
Scarborough Arms  
34 Addy Street  
Sheffield S6 3FU

Address correspondence to:

Julie Hague  
Sheffield Safeguarding Children  
Board - Licensing Project  
Floor 2  
Redvers House  
Union Street  
Sheffield S1 2JQ  
Telephone: 0114 2736753  
Email: [Julie.hague@sheffield.gov.uk](mailto:Julie.hague@sheffield.gov.uk)  
Fax: 0114 2734628

Dear Sir

**SAFEGUARDING CHILDREN UNDER THE LICENSING ACT 2003:  
TIMBERTOPS, SHIRECLIFFE ROAD, SHEFFIELD S5 8XH**

Further to our meeting at the above premises on 20<sup>th</sup> November 2012, which was also attended by Sgt Charlesworth and Ms Payne of South Yorkshire Police, Mr Breame (DPS) and Ms Melanie Hague from your organisation. I am writing to confirm the key points of our discussion and the agreements made in relation to safeguarding children at the premises and the action plan review.

At our meeting it was noted that some progress had been made in relation to improving the safeguarding systems at the premises, including that the DPS and Ms Hague attended the safeguarding training on 17.10.12 and the Challenge 25 scheme is now operating. However, in light of recent incidents and the concerns raised by South Yorkshire Police, it was agreed with Mr Breame and Ms Hague until further notice, the premises will operate a policy prohibiting persons under the age of 18 at all times. It was agreed that signage would be displayed to notify the public of this policy. The policy will be reviewed when it can be evidenced that a culture change has been achieved at the premises so that it becomes safer and 'family friendly'.

In order to expedite a culture change at the premises the following was agreed:

1. Staff will attend the free drug awareness training that should be arranged with the Drug and Alcohol Action Team telephone Tracey Ford on 0781330901 to arrange.
2. Staff should attend an in-house multi agency training session at the premises. Ms Mel Hague to contact Julie Hague to arrange suitable dates for staff.
3. Staff should continue to work in partnership with South Yorkshire Police to address the issues and an incident book should be maintained.

If you have any queries about this letter please don't hesitate to contact me.

Yours sincerely

**JULIE HAGUE**  
Licensing Manager  
Sheffield Safeguarding Children Board

cc Licensing Authority; SY Police; DPS, Mr Breame, Timbertops, Shirecliffe Road,  
Sheffield S5 8XH

# Appendix D



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

To: SB Leisure Management Ltd  
The Scarborough Arms  
34 Addy Street  
Sheffield  
S6 3FU

The Sheffield City Council being the licensing authority, on the 6<sup>th</sup> February 2013 received an application for a review of a Premises Licence in respect of premises known as The Timbertop, 334 Shirecliffe Road, Sheffield, S5 8XD

During the consultation period the Council received representations from Sheffield Safeguarding Children Board and Sheffield Health Protection Service.

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 the 4<sup>th</sup> April 2013 at 10am; following which the Council will issue a Notice of Determination of the Application for Review.

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

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

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

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

Dated 15<sup>th</sup> March 2013

Signed   
The officer appointed for this purpose

Please address any communications to:

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

---

**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

The Sheffield City Council being the licensing authority, on the 6<sup>th</sup> February 2013 received an application for a review of a Premises Licence in respect of premises known as The Timbertop, 334 Shirecliffe Road, Sheffield, S5 8XD

During the consultation period the Council received representations from Sheffield Safeguarding Children Board and Sheffield Trading Standards

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 the 4<sup>th</sup> April 2013 at 10am; following which the Council will issue a Notice of Determination of the Application for Review.

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

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

- 1) The application for review 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 application.

**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 15 March 2013

Signed   
The officer appointed for this purpose

Please address any communications to:

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

---

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

Sean Gibbons  
Sheffield City Council  
Health Protection Service  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB

The Sheffield City Council being the licensing authority, on the 6<sup>th</sup> February 2013 received an application for a review of a Premises Licence in respect of premises known as The Timbertop, 334 Shirecliffe Road, Sheffield, S5 8XD.

During the consultation period the Council received representations from Sheffield Safeguarding Children Board and Sheffield Trading Standards.

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 the 4<sup>th</sup> April 2013 at 10am; following which the Council will issue a Notice of Determination of the Application for Review.

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

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

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

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

Dated 15 March 2013

Signed COPY  
The officer appointed for this purpose

Please address any communications to:

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



## NOTES

D5

### **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.

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