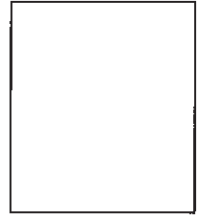




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 1st June 2017

Subject: Licensing Act 2003

Author of Report: Clive Stephenson

Summary: To consider an application to grant a premises licence made under the Licensing Act 2003.

Page Hall Off Licence – 81-83 Page Hall Road.

Recommendations: That members carefully consider the representations made and take such steps, as the Sub Committee consider necessary for the promotion of the Licensing Objectives.

Background Papers: Attached documents

Category of Report: OPEN

REPORT OF THE CHIEF LICENSING OFFICER
(HEAD OF LICENSING) TO THE LICENSING SUB COMMITTEE
LICENSING ACT 2003

Ref No 63/17

Page Hall Off Licence 81-83 Page Hall Road Sheffield S4 8GU.

1.0 PURPOSE OF REPORT

1.1 To consider an application for the grant of a premises licence made under section 17 of the Licensing Act 2003.

2.0 THE APPLICATION

2.1 The applicant is. Shokat Ali

2.2 The application, which was received on 10th April 2017, is attached to this report labelled Appendix 'A'.

3.0 REASONS FOR REFERRAL

3.1 Representations concerning the application have been received from the following and are attached at Appendix B:-

- No 1 – Trading Standards.
- No 1 – South Yorkshire Police

3.3 The applicant and objectors have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'C'

4.0 POLICIES TO CONSIDER

4.1 Sheffield City Council Licensing Policy

5.0 FINANCIAL IMPLICATIONS

5.1 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.

6.0 THE LEGAL POSITION

6.1 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.

Section 6 Cont'd

6.2 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.

7.0 HEARINGS REGULATIONS

7.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.

7.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'C'.

7.3 Attached at Appendix 'C' is the following: -

- a) a copy of the Notice of Hearing;
- b) the rights of a party provided in Regulations 15 and 16;
- c) the consequences if a party does not attend or is not represented at the hearing
- d) the procedure to be followed at the hearing.

8.0 APPEALS

8.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations against decisions of the Licensing Authority to the Magistrates' Court.

9.0 RECOMMENDATIONS

9.1 That Members carefully consider the representations made and take such steps as the Sub Committee consider appropriate for the promotion of the Licensing Objectives.

10.0 OPTIONS OPEN TO THE COMMITTEE

10.1 To grant the premises licence in the terms requested.

10.2 To grant the premises licence with conditions.

10.3 To reject the whole or part of the application.



Stephen Lonnia
Chief Licensing Officer
Head of Licensing

Appendix A

Application

Application for a premises licence to be granted
under the Licensing Act 2003

AI

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 Shokat Ali apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

| | |
|--|---------------------|
| Postal address of premises or, if none, Ordnance Survey map reference or description Page Hall Off-Licence, 81-83 Page Hall Road, | |
| Post town Sheffield, | Post code S4 8GU |

Telephone number of premises (if any)

Non-domestic rateable value of premises

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

- Please tick ✓
- a) An individual or individuals* please complete section (A)
- b) a person other than an individual*
- i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

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- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm: **Please tick ✓ yes**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - Statutory function or
 - A function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname First names

I am 18 years old or over Please tick

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

Second Individual Applicant (if applicable)

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

Surname First names

I am 18 years old or over Please tick

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

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Please give a general description of the premises (please read guidance note 1)

The premises is a convenience shop established with an off-licence which also sells groceries, confectionery and other periodicals and household items.

In accordance with the appropriate Guidance, the store is to be licensed in its entirety. The plans give an indication as to the likely location of alcoholic products. The applicant seeks to license the store for sale of alcohol between the hours of 08.00 to 23.00 Monday to Saturday and 10.00 to 22.30 Sunday, 08.00 to 22.30 Good Friday, Christmas Day (25/12) 12.00 to 15.00 and 19.00 to 22.30.

In terms of underage sales, a minimum of "Challenge 25" will be operated at the premises.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ✓ yes

Provision of regulated entertainment

- a) Plays (if ticking yes, fill in box A)
- b) Films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

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J

| | | | | | |
|---|-------|--------|--|------------------|---|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7) | On the premises | |
| Day | Start | Finish | | Off the premises | |
| Mon | 08:00 | 23:00 | State any seasonal variations for the supply of alcohol (please read guidance note 4) | Both | ✓ |
| Tue | 08:00 | 23:00 | | | |
| Wed | 08:00 | 23:00 | | | |
| Thur | 08:00 | 23:00 | | | |
| Fri | 08:00 | 23:00 | | | |
| Sat | 08:00 | 23:00 | | | |
| Sun | 10:00 | 22:30 | | | |
| | | | Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| | | | Good Friday 08.00 - 22.30 Christmas Day (25/12) - 12.00 - 15.00 and 19.00 - 22.30 | | |

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name: Shokat Ali.....

Address: 81-83 Page Hall Road,, Sheffield.....

.....

Postcode: S4 8GU

Personal Licence number (if known): SY01081PER

Issuing licensing authority (if known): Sheffield City Council

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

L

AS

| | | | |
|--|-------|--------|--|
| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | State any seasonal variation (please read guidance note 4) Please see box M above |
| Day | Start | Finish | Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) Good Friday 08.00 – 22.30 Christmas Day (25/12) – 12.00 – 15.00 and 19.00 – 22.30 This application does not intend to restrict the premises to open for non-licensable activities outside the specified times |
| Mon | 08:00 | 23:00 | |
| Tue | 08:00 | 23:00 | |
| Wed | 08:00 | 23:00 | |
| Thur | 08:00 | 23:00 | |
| Fri | 08:00 | 23:00 | |
| Sat | 08:00 | 23:00 | |
| Sun | 08:00 | 23:00 | |

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

I have undertaken my own risk assessment. I will be re-branding the name of the premises and ensuring upon the basis of my risk assessment that all four licensing objectives are upheld with agreed conditions in partnership with the relevant authorities.

I am keen to re-name, re-brand and re-invent the premises and business to become a responsible retailer of alcohol. I propose to take the following steps.

b) The prevention of crime and disorder

1. Staff involved in the sale of alcohol will receive training on matters concerning underage sales and operating procedures.
2. The premises will operate an approved proof of age scheme and will require photographic identification from any person who appears to be under the age of 25 years. A refusal book (or equivalent) will be maintained at the premises and will be available to the Police and Licensing Authority upon reasonable request.
3. Suitable signage will be displayed at the premises.
4. The management of the premises will liaise with Police on issues of local concern or disorder.
5. The minimum CCTV requirements at the premises will include a camera on the counter and entrance. Images will be retained for at least 30 days and will be downloaded upon the request of a Police Officer or Officer representing a Responsible Authority as long as that request is made with sufficient information to properly identify the request. Any reasonable request made by South Yorkshire Police in relation to the CCTV will be adhered to.
6. The Challenge 25 age verification scheme will operate. All staff will be trained to operate the scheme and staff training records will be maintained, including a date and content of the training, the qualifications and name of the trainer. Appropriate signage will be displayed prominently within the store, including at the point of sale. The refusals record maintained by the premises will be counter-checked by the Premises Licence Holder and / or the Designated Premises Supervisor on a regular basis.
7. No alcohol or tobacco products will be purchased from unknown sources such as itinerant traders "cold callers" at the premises. A notice shall be displayed close to the entrance to the premises (either on a shop window or door etc) which clearly indicates that alcohol and tobacco products will

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not be purchased from "cold callers" visiting the premises.

8. The Premises Licence Holder and /or the Designated Premises Supervisor will ensure that all staff are instructed and trained on the subject of illicit alcohol and tobacco products, include periodic refresher training. Records of the training will be made and kept up to date and checked on a regular basis by the Premises Licence Holder and / or Designated Premises Supervisor.
9. The business will take all necessary steps to ensure that no illicit tobacco products are kept on the premises, either for supply or for personal consumption.
10. All alcohol and tobacco products will be purchased from a bona fide wholesaler. All such purchases will be accompanied with official invoices which will allow full traceability through the supply chain alongside any applicable AWRS Scheme No. for that supplier. Invoices will be retained on the premises for a minimum of 6 months and will be provided on request to a Police Office or authorised officer of Sheffield City Council with a reasonable and valid reason for doing so.
11. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

c) Public safety

1. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
2. The fire alarm system will be maintained in good operational order.
3. Fire Exits and means of escape shall be kept clear and in good operational condition.
4. The Premises Licence Holder will comply with any current Fire Risk Assessment with regard to the premises.
5. A satisfactory Electrical Certificate shall be provided for the premises.

d) The prevention of public nuisance

No further risks have been identified which need to be addressed.

e) The protection of children from harm

1. The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.
2. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
3. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
4. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

Checklist:

Please tick to indicate agreement

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- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected
- {Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships} I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (Please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

| | |
|--------------------|--|
| Declaration | <ul style="list-style-type: none"> • {Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership} I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15) |
|--------------------|--|

Signature: John Gaunt & Partners 

Date: 7 April, 2017

Capacity: Solicitors

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners

Date:

Capacity: Solicitors

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| | |
|--|-----------------------------|
| Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14) | |
| John Gaunt & Partners Omega Court 372 Cemetery Road | |
| Post town Sheffield | Post code S11 8FT |
| Telephone number (if any) | 0114 2668664 |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) jgaunt@john-gaunt.co.uk | |

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the

relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

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- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK .
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

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- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, Issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

All

Schedule 11

Consent of individual to being specified as premises supervisor

I, Shokat Ali of Double Diamond 81-83 Pagehall Road, Sheffield S4 8GU hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for the grant of a premises licence by me relating to a premises licence for **81-83 Page Hall Road, Sheffield, S4 8GU** and any premises licence to be granted in respect of this application made by me concerning the supply of alcohol at **81-83 Page Hall Road, Sheffield, S4 8GU**.

I also confirm that I am applying for, intend to apply for, or currently hold, a personal licence.

Personal Licence number:

SY01081PER

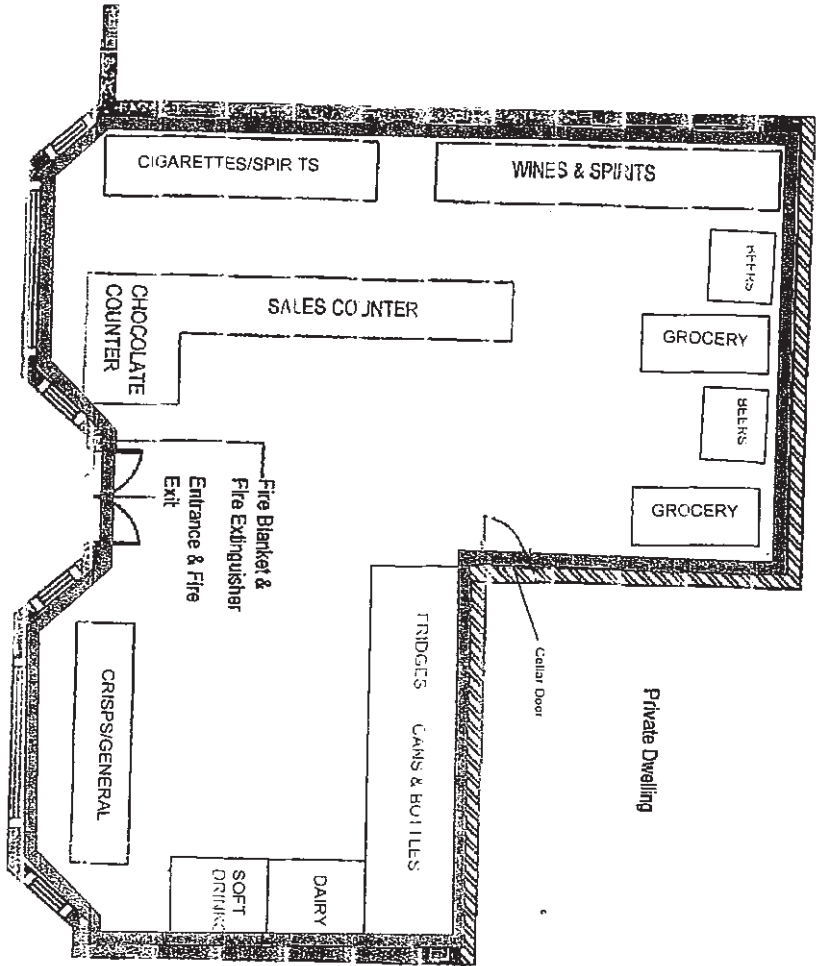
Personal Licence issuing authority: Sheffield City Council

Signed: 

Name (please print): Shokat Ali

Dated: 5/4/2017

AIR



FOOTPATH

GROUND FLOOR SHOP PLAN

Client

SHOKAT ALI
81 - 83 MAGI
SHEH BLD
S4 8GID

Project Title

DOUBLE DIA
LICENSING /

Drawing Title

GROUND FLA

Drawn By :

Checked By :

Scale :

Appendix B

Objection - Trading Standards
Objection – South Yorkshire Police

From: Palmer David
Sent: 04 May 2017 13:35
To: licensingservice
Cc: CHERYL TOPHAM (Cheryl.Topham@southyorks.pnn.police.uk); Hague Julie; Sheffield. Liquor-Licensing (Sheffield.liquor-licensing@southyorks.pnn.police.uk)
Subject: Page Hall Off Licence (AKA Double Diamond)
Attachments: D Diamond Cheryl.pdf; D Diamond photos.pdf

To Members of the SCC Licensing sub-committee.

On behalf of SCC Trading Standards service, I wish to make representations in respect of the application for a premises licence for

81 – 83 Page Hall Road, Sheffield S4 8GU.

The following representations relate to the prevention of crime and disorder, and the protection of children from harm.

1. The applicant, Shokat Ali, was the Premise Licence Holder (PLH) and Designated Premises Supervisor when, on 15th July 2014, over 11,000 illicit cigarettes were found at the premises by Trading Standards Officers. All of the cigarettes were smuggled and non-duty paid and none bore the correct health warnings. Some of the cigarettes were made and branded specifically for the illicit tobacco trade.
2. Shokat Ali continued to be the PLH and DPS when, on 8th January 2016, Trading Standards Officers discovered over 1400 illicit cigarettes and six packs of illicit hand rolling tobacco (HRT) hidden in a carefully constructed concealment in the shop (see two photographs). As before, all of the goods were smuggled and non-duty paid, the HRT was counterfeit and none were marked with the correct health warnings.
3. At the time of the offences previously outlined, Shokat Ali was the owner of the premises and his ownership was confirmed in a document provided by him to the Licensing sub-committee on 9th February 2017, during a licence review hearing.
4. On 9th March 2016, officers from SY Police and Safeguarding Children Board, visited the premises. They were told that Shokat Ali was abroad. No one appeared to be in control of the premises apart from the shop assistant, Shwan Said. Officers noted that the measures that were intended to control age restricted sales were in poor order (see para 1 in statement of Cheryl Topham).
5. On 17th March 2016, SCC Licensing Officers visited the premises. They spoke to Shokat Ali and were told that the proprietor of the business, Sherko Mohammed, was abroad and that he, Mr Ali, would be running the business until Mr Mohammed's return (see para 3 in statement of Cheryl Topham).
6. On 13th April 2016, Trading Standards wrote to Shokat Ali, informing him of the intention to submit a licence review application. Mr Ali responded by telephone, explaining that he no longer had involvement in the business and that Sherko Mohammed was in the process of transferring the Premise Licence and DPS to himself, but there had been a delay.
7. Sherko Mohammed transferred the licence and became DPS on 22nd April 2016.
8. During the following months, a multi-agency support group was formed with the intention of assisting the business to improve its procedures, including a written assurance provided by Mr Mohammed and additional conditions being added to the licence and an action plan was put in place. Mr Said assisted Mr Mohammed throughout this process.
9. On 27th October 2016, an un-announced visit to the premises by SCC Licensing and Trading Standards Officers, revealed four bottles of smuggled vodka on the shelves. The

B2

shop assistant summoned Shwan Said to the shop and he produced a false invoice and delivery note in relation to the purchase of the vodka. During the visit, Shokat Ali entered the premises on two or three occasions and he appeared to observe what was happening. Shwan Said spoke to him during one or more of Mr Ali's appearances. Mr Said seemed irritated by his interest and explained that the man was the landlord.

10. Trading Standards concerns are that, despite the impression given in the notice of application, of a "new broom" approach to the management of the premises, the criminal activity conducted at the premises over a number of years, will continue. The applicant has listed a range of steps he intends to take to promote the licensing objectives and has indicated a new trading name. However, the applicant has previously demonstrated that he has not taken his responsibilities as PLH and DPS seriously and has allowed counterfeit and smuggled tobacco to be stored at the premises on two occasions. He has also previously paid lip service to the measures which are required to be in place to guard against age restricted sales.
11. Trading Standards Officers are concerned that this application is part of a revolving door approach to licence holding and premise supervision and that possibly three individuals are involved in running the business. When the landlord, Shokat Ali, was previously PLH and DPS, Sherko Mohammed acted as business proprietor. When Mr Mohammed became PLH and DPS, he agreed to improve procedures, but illicit vodka was found on the premises, at a time when Shwan Said was assisting Mr Mohammed and assumed responsibility to produce false documents. This application, if granted, could revert the licence and supervision back to Mr Ali.
12. The Premises Licence was revoked at a review hearing on held on 9th February 2017 and is pending appeal at Sheffield Magistrates Court.
13. The Home Office guidance issued under Section 182 of the Licensing Act 2003 states:-
"There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:for the sale or storage of smuggled tobacco and alcohol; as the base for the organisation of criminal activity, particularly by gangs;
14. The Trading Standards service would ask the Licensing sub-committee to consider the refusal of this application.

David Palmer
Senior Trading Standards Officer
Sheffield Trading Standards

Delamore Lindsey

B3

From: SHEFFIELD_Licensing <Sheffield.Liquor-Licensing@southyorks.pnn.police.uk>
Sent: 05 May 2017 09:23
To: licensingservice
Cc: Palmer David; CHERYL TOPHAM; JOHN OMALLEY
Subject: Objection-Page Hall Off-Licence, 81-83 Page Hall Road

Sent on behalf of Licensing, South Yorkshire Police

Licensing General

Block C

Staniforth Road Depot

609 Staniforth Road

Sheffield

05.05.2017

Licensing Act 2003

Objection to premise licence application

Page Hall Off-Licence, 81-83 Page Hall Road, Sheffield, S4 8GU

On behalf of the Chief Constable of South Yorkshire, an objection is being made in relation to the above application.

The grounds of objection are based on the prevention of crime and disorder. We have serious concerns regarding the proposed Premise Licence Holder and Designated Premise Supervisor and their ability to effectively manage the premise without issue. The applicant has failed to demonstrate an ability to operate within the law previously at this location and the new application gives little assurance these issues would not continue.

The location previously benefitted from a premise licence which has subsequently been revoked, following submission of review by Trading Standards. The review was supported by South Yorkshire Police and we share the same concerns outlined in David Palmer's objection to the new premise licence application.

We are happy to provide further information at the subsequent objection hearing.

Yours faithfully,

Appendix C

Hearing notices and Regulations



**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

9

Mr Shokat Ali
81-83 Page Hall Road
Sheffield
S4 8GU

C/O John Gaunt & Partners

Sent via email: phenocq@john-gaunt.co.uk

The Sheffield City Council being the licensing authority, on the 10th April 2017 received an application in respect of the premises known as;

Page Hall Off Licence 81-83 Page Hall Road Sheffield.

During the consultation period, the Council received representations from the following authorities / interested parties:

- **Trading Standards**
- **South Yorkshire Police**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations 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 **1st June 2017; 10.00am** following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) 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 representations made, 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 your application for a licence.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, 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: 11th May 2017

Signed: **Clive Stephenson**
The officer appointed for this purpose
Licensing Enforcement and Technical Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD. licensing@sheffield.gov.uk

**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

Licensing Team
South Yorkshire Police

C2

Sent via email: sheffield.Liquor-licensing@southyorks.pnn.police.uk

The Sheffield City Council being the licensing authority, on the 23rd March 2017 received an application in respect of the premises known as;

Alpha Food & Wine 234 Abbeydale Road Sheffield S7 1FL

During the consultation period, the Council received representations from the following authorities / interested parties:

- 1 – **Trading Standards**
- 1 – **South Yorkshire Police**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Thursday June 1st 2017 10am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) 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, upon which you may be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your representation.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, 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: 12th May 2017

Signed: **Clive Stephenson**
The officer appointed for this purpose
Licensing Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD.

licensing@sheffield.gov.uk

**Notice of hearing of representations
in respect of the following application:
Application to Grant a Premises Licence**

C3

Mr David Palmer
Trading Standards
Sheffield City Council

David.palmer@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 10th April 2017 received an application in respect of the premises known as;

Page Hall Off Licence 81-83 Page Hall Road

During the consultation period, the Council received representations from the following;

- 1 – Trading Standards
- 1 – South Yorkshire Police

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Thursday 1st June 2017 at 10am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) of the Act.

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

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

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, within (5) working days before the day or the first day on which the hearing is to be held.**

Dated: 12th May 2017

Signed: Clive Stephenson
The officer appointed for this purpose
Licensing Enforcement and Technical Officer

Please address any communications to:

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

licensing@sheffield.gov.uk

NOTES

C4

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

Regulation 8

C5

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

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

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

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

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

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

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

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

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