



**SHEFFIELD CITY COUNCIL
Committee Report**

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Report of: Chief Licensing Officer (Head of Licensing)

Date: 14th June 2012

Subject: Licensing Act 2003

Author of Report: Andy Ruston – 203 7752

Summary: To consider an application for the review of a premises licence

Recommendations: That members note the content of the report and any further information supplied.

Background Papers:

Category of Report: OPEN

D'Beers, 66 Crookes S10 1UG

N
290



Scale: 1:1,000

Sheffield City Council
Knowledge & Research Team
Policy, Partnerships & Research Service
Tel: (0114) 2930239

①

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

Ref No 50/12

LICENSING ACT 2003

Review of Premises Licence – D'Beers, 66 Crookes, Sheffield, S10 1UG.

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 D'Beers, 66 Crookes, Sheffield, S10 1UG. A copy of the current premises licence is attached at Appendix 'A'.

2.0 THE APPLICATION

- 2.1 The applicant is South Yorkshire Police.
- 2.2 The application, which was received on 17th April 2012, is attached to this report labelled Appendix 'B'.
- 2.3 The grounds for the review are based on the following aspects of the 2003 Licensing Act objectives:-

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

- 2.4 The application form details further the grounds for review.

3.0 REASONS FOR REFERRAL

- 3.1 The Licensing Authority must under the Act refer any application for review to the Licensing Committee, unless it is withdrawn, or if representations are made by an interested party that the Licensing Authority are of the opinion that they are frivolous or vexatious.
- 3.2 The Licensing Authority has, during the representation period received representations from the following:-
- a) Sheffield Safeguarding Children Board Appendix 'C'
- 3.3 The Licensing Authority has received an email from South Yorkshire Police referring to amendments to page 5 of the application for review of the premises licence. A copy of the email is attached to the report at Appendix 'D'.
- 3.4 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 'E'.

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 the 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 'F'.

6.3 Attached at Appendix 'F' 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,
Chief Licensing Officer, Head of Licensing
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot
Sheffield
S9 3HD.

6th June 2012.

④

APPENDIX A



THE LICENSING ACT 2003

Premises Licence No: SY 0536 PR

ISSUE NO: 5

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

D'Beers Off Licence
66 Crookes
SHEFFIELD S10 1UG

Telephone Number: 0114 267 0700

Where the licence is time limited, the dates:

Not applicable.

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

1. Sale by retail of alcohol:

(a) for consumption off the premises

Sunday	12:00 to 24:00 hours
Monday	12:00 to 24:00 hours
Tuesday	12:00 to 24:00 hours
Wednesday	12:00 to 24:00 hours
Thursday	12:00 to 24:00 hours
Friday	12:00 to 24:00 hours
Saturday	12:00 to 24:00 hours

The opening hours of the premises are:

Sunday	12:00 to 24:00 hours
Monday	12:00 to 24:00 hours
Tuesday	12:00 to 24:00 hours
Wednesday	12:00 to 24:00 hours
Thursday	12:00 to 24:00 hours
Friday	12:00 to 24:00 hours
Saturday	12:00 to 24:00 hours

PLEASE NOTE:

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

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

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Sale by retail of alcohol for consumption off the premises.

PART 2

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

Neil Howard Tyler
The Coach House
Far Lane
Sheffield
S10 1UG

Telephone Number: 07880 816840

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

N/A

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

Louis Casimir-Cohn
28 Bower Road
Crookesmoore
Sheffield S10 1ER

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

Personal Licence Number: SY 2945 Per
Issuing Authority: Sheffield City Council

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: 28TH October, 2005

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

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Sheffield City Council – For Office use only		
Variation of Premises Licence	2	Granted on 9 th June 2011.
Variation of DPS	1	Granted on 24 th November 2008.
Transfer of Premises Licence	2	Granted on 26 th January 2009



Annex 1A - Mandatory Conditions

Mandatory Condition 1 (Section 19 ss 2)

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

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

Mandatory Condition 2 (Section 19 ss 3)

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

Mandatory Condition 3 (Section 20)

1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:
 - (a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).
 - (b) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.

2. in this section -

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory Condition 4 (Section 21)

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

Annex 1B - Mandatory Conditions effective from 6th 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 155 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

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drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.



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

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

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

5. The responsible person shall ensure that-

- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures--
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) Customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the operating schedule

Any embedded permissions and restrictions attached to the justices on/off licence including those specified at Appendix 1.

- 1) All staff making deliveries or otherwise selling alcohol must be trained to operate the Challenge 21 scheme. Staff training records must be signed by staff and maintained and made available to the authorities on request.
- 2) All staff making deliveries of alcohol and cigarettes will only deliver to adult recipients producing a valid passport or photo-membership card as ID. If the recipient refuses to produce this ID, delivery must not continue.
- 3) A refusals book must be maintained to record occasions when an adult was not available to receive delivery.
- 4) The membership number and signature of the person receiving the alcohol must be obtained and signatures must be retained as a record of due diligence with respect to deliveries of alcohol and/or tobacco.

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

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Annex 4-- Plans

Plan Reference:
Date: 29/7/05

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Appendix 1

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APPENDIX B



South Yorkshire

POLICE

[Redacted] (17)

LICENSING GENERAL
17 APR 2012 @ 10:45
SECTION

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

Date: 17th April 2012

Dear Sir/Madam,

Re: Licensing Review – D'Beers, 66 Crookes, Sheffield, S10 1UG.

Please find attached papers which South Yorkshire Police will rely upon at a Licensing Review at the Town Hall, Sheffield in relation to the above named premises.

The papers have also been served upon the Premises, Licensing Board and other Responsible Authorities.

For your information a date has not yet been fixed for the hearing and you will be informed in due course.

Yours faithfully

A Marsden
South Yorkshire Police Licensing Team
Attercliffe Police station
30 Attercliffe Common
Sheffield
S9 2AD.

tel – (0114) 2523618
mail – andrea.marsden@southyorks.pnn.police.uk

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Re: D'Beers Off Licence, Crookes, Sheffield, S10 1UG

Premise Licence Holder - Neif Howard Tyler

Designated Premises Supervisor – Louis Casimir-Cohn

INDEX TO BUNDLE OF DOCUMENTS

Compiled on 17th April 2012

	DOCUMENT	PAGE
	Application for Review (S51)	
	Statement of Police Constable 1310-Atha (28/10/2011)	
	Statement of Police Constable 1310 Atha (11/11/2011)	
	Copy of Closure Notice (dated 22/11/2011)	
	Copy of letter to PLH – Mr Neil TYLER	
	Statement of Police Constable 1310 Atha (10/03/2012)	
	Copy of FP Notice no A00332470	
	Exhibit LAA1 (photograph)	
	Copy of Premises Licence	

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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 Andrea Marsden (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

Postal address of premises or, if none, ordnance survey map reference or description D'Beers Off Licence 66 Crookes	Post code (if known) S10 1UG
Post town Sheffield	

Name of premises licence holder or club holding club premises certificate (if known) Mr Neil Howard Tyler

Number of premises licence or club premises certificate (if known) SY 0536 PR

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

[Redacted] (20)

- 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) sheffield_licensing@southyorks.pnn.police.uk

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
- Prevention of Public Nuisance
- Protection of Children from harm

Beers On Licence, 66 Crookes, Sheffield, was issued with a Premises Licence No SY 0536 PR on the 28th October 2005. The Premises Licence Holder is Mr Neil Howard TYLER and the Designated Premises Supervisor is Mr Louis CASIMIR-COHN

The premises have been the subject of recent test purchase operations. Since 28th October 2011 it has failed the test three times. Full details of these test purchase operations are within this report.

The premises have also been subject to a 48hr closure notice in December 2011.

These test purchase operations are conducted to provide a positive response and action following complaints from the public and observations by police staff that many instances of anti-social behaviour involve young people under the age of 18 years, who have acquired alcohol and/or are under the influence of alcohol.

Many instances of concern by local residents relate to shopping precincts, park areas and other similar hotspots, which suffer from graffiti, criminal damage and threatening behaviour by these young people towards other law abiding members of the public.

The issue of child safety is also raised, in that alcohol acquired by young people illegally is often passed to even younger children and over indulged by all, thereby causing serious concern for health and safety.

It is evident from records in our possession that the Premises Licence Holder, Mr Tyler has been the main offender for selling alcohol to underages persons.

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

Test Purchase Operations over the last 12 months: -

1. Friday 28th October 2011

Six cans of Carlsberg Export lager, priced at £6.99 was sold to a male volunteer, 16 years old by the Premises Licence Holder, Neil TYLER.

Mr Tyler was reported by way of summons.

2. Friday 4th November 2011

Four can of Fosters lager, priced £5.00 was sold to a male volunteer, 16 years old by the Premises Licence Holder, Neil TYLER.

Mr Tyler was reported by way of summons.

3 Due to two failed test purchase operations at the premises within a three month period, both the premises and Mr Tyler (PLH) were served with a 48hour closure notice under Section 169A(2) of the Licensing Act 2003. Mr Tyler accepted the closure notice and agreed in writing to the non sale of alcohol over a 48hr period. This period was from 12noon Friday 23rd December 2011 - 12noon Sunday 25^h December 2011.

4. Saturday 10th March 2012

A 500ml bottle of Black Cat, Moorhouse beer (3.4% volume), priced £2.15 was sold to a female volunteer, 15 years old by a male member of staff, Michael MANSON.

A Fixed Penalty Notice No. A00332470(33) was issued attracting a penalty of £80.

From records in our possession Mr Tyler (PLH) has failed 4 further test purchase operations. These being on the 15/12/2008, 13/03/2009, 22/05/2009, 29/10/2009.

The premises passed a test purchase operation on the 26th of October 2010.

Clearly it can be seen that no regular system of age related checks or challenge are made as standard practice, thereby leading to a presumption that alcohol is regularly traded to persons underage with little or no regard to the law or the licensing objectives.

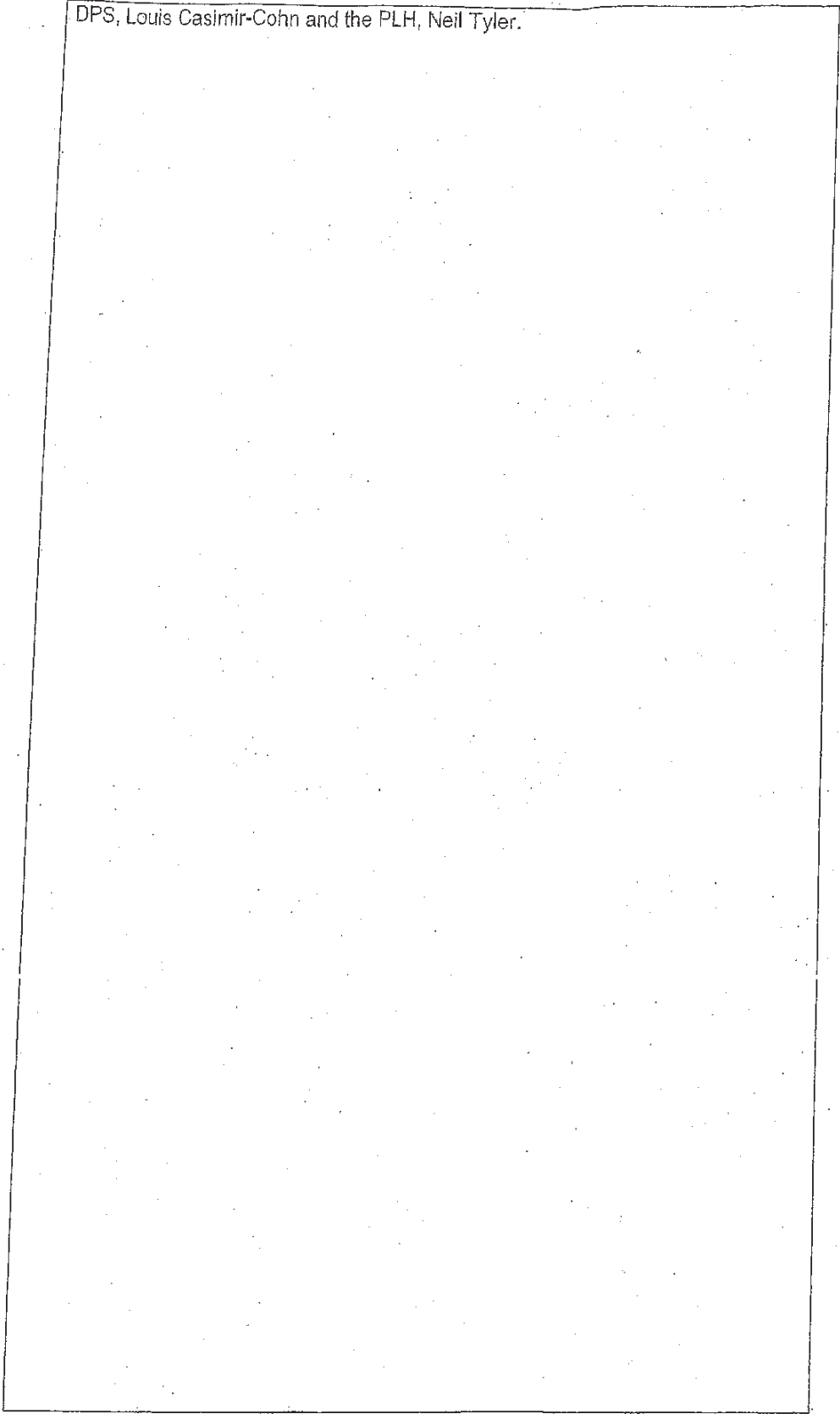
Mr Tyler previously applied for a Personal Licence. An objection was made by the police to the Licensing Board whereby a hearing took place. The Licensing Sub-Committee, after hearing the evidence from the police that Mr Tyler had previous convictions for selling alcohol to persons underage, refused his Personal Licence application.

Although intervention has been made with these premises by the Police, Childrens Safeguarding Board and Trading Standards they still sell alcohol to persons under the age of 18 years old.

The request for a review of a premises licence is not taken lightly by South Yorkshire Police, as it is well understood what effect this will have on trade and the prospects of the business. However there appears to be an obvious lack of responsibility by the



DPS, Louis Casimir-Cohn and the PLH, Neil Tyler.



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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.

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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 [Handwritten Signature]

Date 17/04/12

Capacity Licensing Officer - South Yorkshire Police

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) A Marsden SYP Licensing Team Attercliffe Police Station 60 Attercliffe Common	
Post town Sheffield	Post Code S9 2AD
Telephone number (if any) 0114 2523618	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

28

11/2004

RESTRICTED (when complete)

WITNESS STATEMENT

(C) Act 1967, (9) Act 1980 ss.5A(1) (a) and (b); AIC Rules 1981, 170

URN

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Statement of Louise ATHA.....

Age if under 18 Over 18 (if over 18 insert "over 18") Occupation: Police Constable 1310

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 *Louise Atha* Date: 28/10/2011

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 Broomhill SNA, Crew Flats, Sheffield.

On Friday 28 October 2011, I was on duty in full police uniform on mobile patrol, in a marked police vehicle, call sign Kilo Foxtrot Twenty One. Due to a Test Purchase Operation I was in company with PCSO 8095 Gavin who was wearing plain clothes, and [REDACTED]

The Test Purchase Operation relates to counter-act the selling of alcohol by off-licences to persons under 18 in line with section 146 (1) of the 2003 Licensing Act.

At 1920 hours, I was sat in a marked police vehicle on Bute Street, Sheffield, while PCSO 8095 Gavin and the [REDACTED] entered D'Beers on Crookes. At 1924 hours, the [REDACTED] returned to the marked police car with PCSO Gavin. [REDACTED] was carrying six cans of Carlsberg Export which he had purchased from the shop. The value of the cans of beer was £ 6.99.

Signature: *Louise Atha* Signature Witnessed by:

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RESTRICTED (when complete)

Continuation of Statement of: Louise ATHA:

I got out of the police vehicle and in company with PCSO Gavin we walked across the road to D'Beers. I spoke to a male who I now know to be Neil TYLER. [REDACTED] [REDACTED] pointed out to the male that he had committed an offence by selling alcohol to a person under 18.

I also advised him of his conduct and that he had been part of a test purchase operation. I am aware that this male has failed other test purchase operations.
The following conversation took place at hours 1934 hours.

PC ATHA "FIRSTLY I MUST TELL YOU THAT YOU DO NOT HAVE TO SAY ANYTHING. BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION WHEN QUESTIONED SOMETHING WHICH YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN IN EVIDENCE".

I then informed TYLER that he would be reported on Summons for, sale of alcohol to a person under 18 contrary to S146 (1) of the licensing Act 2003.

I then asked for a refund and gave TYLER the property back. We both left the shop and returned to the marked police vehicle.

Signature: [Signature] Signature Witnessed by:
2004/05(1)

RESTRICTED (when complete)

WITNESS STATEMENT

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

URN

Statement of Louise ATHA.....

Age if under 18 Over 18..... (If over 18 insert "over 18") Occupation: Police Constable 1310.....

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 [Signature] Date: 11/11/2011.....

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 Broomhill SNA, Crew Flats, Sheffield.

On Friday 4 November 2011, I was on duty in full police uniform on mobile patrol, in a marked police vehicle, call sign Kilo Foxtrot twenty one. Due to a Test Purchase Operation I was in company with PC753 MARSH who was wearing plain clothes, and [redacted]

The Test Purchase Operation relates to counter-act the selling of alcohol by off-licences to persons under 18 in line with section 146 (1) of the 2003 Licensing Act.

At 1804 hours, I was sat in a marked police vehicle on Coomb Road, Sheffield, while PC Marsh and the [redacted] entered D'Beers on Crookes. At 1805 hours, the [redacted] returned to the marked police car with PC Marsh he was carrying four 500 ml cans of Fosters which [redacted] had purchased from the shop. The value of the cans of beer was £ 5.00.

Signature: [Signature] Signature Witnessed by:

RESTRICTED (when complete)

Continuation of Statement of: Louise ATHA.....

Page 2

I got out of the police vehicle and in company with PC Marsh we walked across the road to D'Beers I spoke to a male who I now know to be Neil TYLER, [REDACTED] [REDACTED] pointed out to the male that he had committed an offence by selling alcohol to a person under 18.

I also advised him of his conduct and that he had been part of a test purchase operation. I am aware that this male has failed other test purchase operations the most recent being Friday 28 October 2011.

The following conversation took place at hours 1807 hours.

PC ATHA "FIRSTLY I MUST TELL YOU THAT YOU DO NOT HAVE TO SAY ANYTHING. BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION WHEN QUESTIONED SOMETHING WHICH YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN IN EVIDENCE".

I then informed TYLER that he would be reported on Summons for, sale of alcohol to a person under 18 contrary to S146 (1) of the licensing Act 2003.

I then asked for a refund and gave TYLER the property back. We both left the shop and returned to the marked police vehicle.

Signature: *[Signature]* Date: *[Date]* Signature Witnessed by:

2004/05/11

CLOSURE NOTICE FOR PERSISTENTLY SELLING ALCOHOL TO CHILDREN

Section 169A(2) of Licensing Act 2003

This notice offers a period of closure as an alternative to criminal prosecution for an offence of repeatedly selling alcohol to underage persons. It is addressed to the person(s) (which may include a company etc) who hold the relevant premises licence for the premises concerned. A copy of this closure notice will be sent to the holder of the premises licence at the address for that person set out in the licence.

The premise licence holder(s) should read parts 10, 11, 12 and 13 of this notice with particular care as they contain information concerning their rights. If you have been handed this notice and are not the premises licence holder, you may wish to inform the premises licence holder(s) that this notice has been served.

1. Name and rank of the police officer (must hold the rank of superintendent or above) / name of the inspector of weight and measure (delete as appropriate) giving this closure notice	
Superintendent Martin Hemingway	
2. Name of the police, community support or trading standards officer (delete as appropriate) serving this closure notice (the closure notice may be served by being handed to a person on the premises who appears to have control or responsibility for the premises, and who need not be the premises licence holder)	
Police Constable 1310 Atha	
3. Date on which closure notice is given	
21/10/2011	

4. Date on which closure premises licence holder(s)	
4. Address of premises in respect of which this notice is being given	66 Crookes
5. Premises Licence reference number and issuing authority	SY U530 PK
6. Name of premises licence holder(s)	Neil Howard TYLER
7. Address of premises licence holder(s). (This is the address to which a copy of this closure notice will be sent)	[REDACTED]

8. Particulars of alleged offence under section 147A of the Licensing Act 2003, including:	
<ul style="list-style-type: none"> • Particulars of unlawful sales made to persons under 18; • Dates of the sales; and • The individuals making the sales (so far as known). 	
(Note: you can be liable for offence if you were a premises licence holder at the time each unlawful sale took place on the premises)	
First unlawful	28/10/2011- 6 x cans of Carlsberg Export , value £6.99 sold to 16yr old police volunteer .

Sale:	Sale made by Neil TYLER (PLH). Mr Tyler was reported by way of summons.
Second unlawful sale:	4/11/2011 - 4 x cans of Fosters lager, value £5.00 sold to 16yr old police volunteer. Sale made by Neil TYLER (PLH). Mr Tyler was reported by way of summons.
Third unlawful sale:	N/A

9. Proposed period (maximum 48 hours) during which sales of alcohol by retail are to be prohibited (commencing not less than 14 days after this closure notice was served):			
From:	Time: 12 noon	To:	Time: 12 noon
	Date: Friday 23 rd December 2011		Date: Sunday 25 th December 2011

10. Effect of accepting of the proposed prohibition (closure)

If you decide to accept the proposed closure (on how to do this, see part 12 below), all sales by retail of alcohol at the premises during the period specified in part 9 of this notice will be unauthorised. An unauthorised sale is a criminal offence (see section 136 of the licensing Act 2003). A person guilty of an offence under that section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

11. Right to elect to go to trial

You do not have to accept the proposed closure. As an alternative, you may elect to be tried in a court of law for the offence described in part 8 above. That right may be exercised by informing the officer named in part 14 in writing or by e-mail.

12. How to accept the proposed prohibition

In order to accept the proposed closure, all premises licence holder(s) should notify the officer named in part 14 of their decision in writing or by e-mail within 14 days of this notice being served. Failure to notify the officer named in part 14 of acceptance of the prohibition within 14 days will be taken as a decision to elect for trial for the alleged offence described in part 8.

13. Effect of a failure by one or more of the premises licence holder(s) to accept the proposed prohibition

The right to be tried for the alleged offence described in part 8 of this closure notice will be taken to have been exercised unless every person who was a holder of the premises licence at the time this notice was given accepts the proposed prohibition.

14. Name of the police officer or trading standards officer to whom notice exercising the option to accept the prohibition should be given, or election to go to trial must be sent, within 14 days

Inspector SNA c/o South Yorkshire Police Licensing Department

The address of the officer in part 14

Inspector SNA c/o Licensing Department, Attercliffe Police Station, 60 Attercliffe Common, Sheffield, S9 2AD.

Email address and telephone number of the officer in part 14

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

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South Yorkshire
POLICE

Mr N Tyler
The Coach House
Far Lane
Sheffield
S10 1UG

Date: 23rd November 2011

Dear Mr Tyler,

Re: D'Beers, 66 Crookes, Sheffield.

We are writing in relation to the above premise for which we understand you are the Premises Licence Holder.

On the 28th October 2011 and 4th November 2011 a Police operation relating to the sale of intoxicants to under- aged persons took place in various districts of Sheffield. The above premises was one of those premises visited by a person under the age of 18 years who successfully managed to make a purchase of alcohol from a member of staff. You may wish to contact the Designated Premises Supervisor to discuss this matter further.

Section 169a(2) of the Licensing Act 2003 allows for action to be brought when a Premise fails two Test Purchase Operations in three months. Part of the action includes the option for the Premises to either voluntarily cease selling alcohol for a period of 48 hours (as specified by South Yorkshire Police) OR for the Premises Licence Holder to be taken to Court and tried for the offence of selling alcohol to an underage person.

We now enclose a copy of the Closure Notice which was served on the premise on 22nd November 2011. It allows a period of 14 days within which all Premises Licence Holders should contact South Yorkshire Police Licensing on the details provided in Section 14 of the Form to confirm their acceptance of the proposed closure, or elect for trial for the alleged offence. If we do not hear from you within 14 days then we will assume that you have chosen to go to trial. **Please confirm in writing if you agree to the closure.**

If you have any queries regarding this letter please contact the Licensing Department on 0114 252 3163

Yours faithfully,

South Yorkshire Police Licensing
Attercliffe Police Station
60 Attercliffe Common
Sheffield
S9 2AD
E mail - sheffield.liquor-licensing@southyorks.pnn.police

RESTRICTED (when complete)

WITNESS STATEMENT

(C.J. Act 1967, s.9; M.C. Act 1980, s.5A(3) (a) and S.F. M.C. Rules 1981, (70)

URN

--	--	--	--

Statement of Louise ATHA.....

Age if under 18 Over 18..... (If over 18 insert "over 18") Occupation: Police Constable 1310.....

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 [Signature] Date: 10/03/2012.....

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 Broomhill SNA, Crewe Flats, Sheffield.

On Saturday 10 March 2012, I was on duty in full police uniform on mobile patrol, in a marked police vehicle, call sign Kilo Foxtrot Twenty One. Due to a Test Purchase Operation I was in company with SC 7198 Matt HANSON, who was also in full uniform and SC 7143 Leonie Clumer, who was wearing plain clothes, and a [REDACTED]

Operation K Edge relates to counter-act the selling of alcohol by off-licences to persons under 18 in line with section 146 (1) of the 2003 Licensing Act.

At 1935 hours, I was sat in a marked police vehicle on Crookes, Sheffield, while SC 7143 CULMER and the police cadet entered D'Beers, 66 Crookes. At 1937 hours the [REDACTED] returned to the marked police car with a 500ml bottle of Black Cat, Moorhouse beer, 3.4% Volume, that she had purchased from the shop. The cost of the beer was £2.15.

Signature: [Signature] Signature Witnessed by:

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RESTRICTED (when complete)

Continuation of Statement of: Louise ATHA.....

Page 1

I got out of the police vehicle and walked into D'Beers with SC HANSON and SC CULMER. CULMER identified the shop assistant to me and I spoke with the male who I now know to be Michael MASON. [REDACTED] I pointed out to the male that he had committed an offence by selling alcohol to a person under 18.

I then explained to him by accepting a Fixed Penalty Ticket to the value of £80 that no further action would be taken against him. I also advised him of his conduct and that he had been part of a test purchase operation. He stated he would accept the ticket and the following conversation took place at 1949 hours.

PC1310 "FIRSTLY I MUST TELL YOU THAT YOU DO NOT HAVE TO SAY ANYTHING. BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION WHEN QUESTIONED SOMETHING WHICH YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN IN EVIDENCE".

I then issued a Fixed Penalty Ticket bearing the number of A00332470 (33) for the offence sale of alcohol to a person under 18 contrary to S146 (1) of the licensing Act 2003. He was also advised about the Essentials of Responsible Alcohol Retailing (ERAR) course, and given the details so he could enrol on the course within the next 10 days. If the course were attended then the cost of the ticket would be halved to £40.

I also took a picture with my work Blackberry of the bottle of beer, I can identify this as exhibit LAA1, [REDACTED]

The property was refunded at the time.

We all left the shop and returned to the marked police vehicle.

Signature: [Signature] Signature Witnessed by:

SOUTH YORKSHIRE POLICE
PENALTY NOTICE
PENALTY AMOUNT £80
DETAILS OF RECIPIENT

PART 6A PN No. [] (331)

IMPORTANT INFORMATION:

ANY STATEMENT OFFERED BY THE SUSPECT OR A 3RD PARTY WITNESS SHOULD BE RECORDED IN YOUR POCKET NOTEBOOK

HEIGHT [5] [11] FT [] INCH [] BUILD [Medium] EYE COLOUR [Blue] HAIR TYPE [S] COLOUR [B] COLOUR []

MARKS AND FEATURES

TEETH: MISSING: SCAR: BROW: TAIL: WHISK: STREIN: EYES: MARK: LINE: EAR: NOSE: EYEB: MOUTH: CHEEK: CHEST: HAND: SHOUL: SHOULDER: BREAST: HAND: OTHER: TIE: PAPE

Description (Describe the Mark and Location on the body)

Table with 3 columns for description and location.

REPLY TO CAUTION

No Reply

AT (time) [1949] ON (date) [15032012]

I/D CHECKS MADE (e.g. documents seen)

Drivers' Licence [X] Passport [] Bank/Credit Card [] National Insurance []

Travel/Photo Card [] IND Card [] PNC [] Radio [] Other (specify) []

Specify Other: []

Details (e.g. driver's card/passport no.): [Redacted]

DETAILS OF OFFICER CORROBORATING EVIDENCE

NAME []

OFFICER No. []

SIGNED (sig.) []

DATE []

ADDITIONAL NOTES (e.g. details of separate checks if necessary and refer to PNC)

RESTRICTED WHEN COMPLETED

SOUTH YORKSHIRE POLICE
PENALTY NOTICE
PENALTY AMOUNT £80

PART 4 CTO COPY PN No. [] (331)

TITLE [] SURNAME []

FORENAMES []

DATE OF BIRTH [] ADDRESS []

POST CODE []

OFFENCE TIME [] OFFENCE DATE []

AT (LOCATION) []

OFFENCE CODE [] DATE OF ISSUE []

YOU (offence particulars) []

CONTRARY TO (Act containing offence) []

PLACE OF ISSUE: Street [] Custody []

I acknowledge receipt of this Penalty Notice

Signature []

ISSUED BY: Surname [] Signature []

Collar No. [] District []

Rank []

MUST BE COMPLETED

ADDITIONAL DETAILS OF RECIPIENT

Gender: M [X] F [] IC Code [] SD Code []

Occupation [Shop Assist. Cleaner]

3rd Party Witness Statement: Particulars Obtained? Y [X] N []

Photograph [X] Fingerprint [] DNA []

PNC I.D. No. []

District code offence took place []

AVS No. []

RESTRICTED WHEN COMPLETED

Exhibit
LAAI

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APPENDIX C

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Hollis Georgina (CEX)

From: Hague Julie
Sent: 15 May 2012 14:56
To: Licensing (General)
Subject: APPLICATION TO REVIEW THE PREMISES LICENCE: D'BEERS, 66 CROOKES, SHEFFIELD S10 1UG

Importance: High

Attachments: D'BEERS REPRESENTATION AND DOCUMENTS MAY 2012.pdf



D'BEERS
REPRESENTATION AND C

For the attention of the Licensing Authority

This e'mailed representation is made in accordance with the agreement with the Licensing Authority on the 18th October 2006 to accept representations by e'mail

Please be informed that I have made a representation on behalf of the Sheffield Safeguarding Children Board in relation to the above application. The representation is submitted to the Licensing Authority and is attached to this e'mail along with related correspondence for the consideration of the Licensing Sub Committee.

Thank you.

Julie Hague
Licensing Project Manager
Sheffield Safeguarding Children Board

Tel 0114 2736753
julie.hague@sheffield.gov.uk

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14 May 2012

The Licensing Authority
Sheffield City Council
Chief Executives Directorate
Legal & Administrative Services
Licensing General Section
Town Hall
Surrey Street
Sheffield S1 2HH

Address correspondence to:
Julie Hague
Sheffield Safeguarding Children
Board - Licensing Project
Floor 2
Redvers House
Union Street
Sheffield S1 2JQ
Telephone: 0114 2736763
Email: Julie.hague@sheffield.gov.uk
Fax: 0114 2734628

Dear Sirs

APPLICATION TO REVIEW A PREMISES LICENCE – D'BEERS, 66 CROOKES, SHEFFIELD S10 1UG

The above documentation has been provided to the Sheffield Safeguarding Children Board (SSCB Licensing Project) as a Responsible Authority under the Licensing Act 2003. I am writing on behalf of the Safeguarding Children Board to make a Representation under the Core Objective for the Protection of Children from Harm, on the grounds that the premises management has failed to demonstrate due diligence in relation to the prevention of underage sales of alcohol.

The Safeguarding Children Board takes a serious view of premises that fail to protect children from the risks associated with underage sales of alcohol. The evidence presented by South Yorkshire Police shows a history of failed test purchase operations at this premises and in line with the Licensing Authority approved Joint Agency Test Purchase Strategy, which is an agreed process to assist premises managers to improve their operation, the Safeguarding Children Board has attempted to work in partnership with the premises management, making a significant number of interventions including offers of free multi agency training to all staff. (The details of these interventions are provided in the chronology and related documents at Annex of this letter for your consideration).

Despite attempts to support and engage with the premises management over a period from June 2009 to date, an operational improvement has not been achieved and evidence of underage sales has continued.

In light of the above I am writing to ask the Licensing Authority to take positive action to protect children from the risks presenting at this premises.

Yours faithfully,

JULIE HAGUE
Licensing Project Manager
Safeguarding Children Board

**SAFEGUARDING CHILDREN BOARD INTERVENTION CHRONOLOGY:
D'BEERS, 66 CROOKES, SHEFFIELD S10 1UG**

Date	Action
29 June 2009	Letter to Mr Tyler Offering free training 8 July 2009
8 July 2009	Mr. Tyler attended the multi agency training
12 January 2010	Letter to Mr Tyler offering free training on 3 rd February 2010
19 January 2010	Telephone call from Mr Tyler to say he had already attended the training so would not re-attend. I advised Mr Tyler to send the person who made the sale or another member of staff to attend the training on 3 rd February 2010.
3 February 2010	No one from the premises attended the training
21 June 2010	Letter to Mr Tyler offering free training on 7 July 2010
7 July 2010	Telephone message from Mr Tyler saying that a member of staff was unwell and unable to attend the training and that he had a dentist appointment. No one from the premises attended the training.
20 September 2010	Letter to Mr Tyler offering free training 13 October 2010.
13 October 2010	Michael Mason attended the training.
22 October 2010	Meeting w Mr Tyler and PC Atha on 22.10.10 followed up in writing
8 November 2010	Letter to Mr Tyler to confirm advice given verbally on 22.10.10 and notice was given to Mr Tyler that a licence review may be sought if safeguarding systems to prevent underage sales did not improve.

8 December 2010 letter to Mr Tyler offering free training on 16 February 2011	
16 February 2011	Catherine Mason attended the training.
7 November 2011 SYP arranged joint advice visit with Mr Tyler.	Meeting cancelled as Mr Tyler had not confirmed his attendance. Premises subsequently visited by PC Atha.
8 November 2011 8 November 2011	Telephone conversation with Mr Tyler (see file note dated). Advised Mr Tyler that all staff should attend the multi agency training session. Mr Tyler informed me that Kimberley Dunne would attend the training on 1 st February 2012 Letter to Mr Casimir-Cohn and copied to Mr Tyler, to confirm offer of free training for Kimberley Dunne "or another member of staff" on 1 st February 2012
1 February 2012	No one from the premises attended the training.
13 April 2012	Letter to Mr Louis Casimir-Cohn Offering free training place on 18.4.12.
18 April 2012	No one from the premises attended the training.

Julie Hague
Julie Hague
Licensing Project Manager
Sheffield Safeguarding Children Board

15.5.12

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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
Fax: 0114 2734528

29.6.09

Mr Neil Tyler
D'Beers
66 Crookes
SHEFFIELD S10

Dear Mr Tyler

THE PROTECTION OF CHILDREN AT LICENSED PREMISES - LICENSING ACT 2003
OFFER OF FREE STAFF TRAINING: D'BEERS OFF LICENCE, 66 CROOKES, SHEFFIELD

I am writing to inform you that a place has been reserved for you on the multi-agency 'Safeguarding Children at Licensed Premises' training workshop. The workshop is free of charge and will take place as follows:

Dates: Wednesday, 8th July 2009
Venue: Norfolk Heritage Park, Guildford Avenue, Sheffield S2 2PL
Time: 1.15pm to 5.15pm

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; 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.

In the meantime, please ensure that the following child protection systems are operating at the premises (immediate advice and support with these systems is available from Greg Ward, Trading Standards, tel. (0114 2736241):

- The Challenge 21 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 scheme and to highlight the law in relation to children and alcohol must be prominently displayed.

Please contact me on (0114) 2736753 not later than 1st July 2009 to confirm the name of the person who will attend. **DELEGATES ATTENDING THE WORKSHOP MUST BRING PHOTO ID (passport or driving licence) IN ORDER TO OBTAIN A CERTIFICATE OF ATTENDANCE.**

Yours sincerely

JULIE HAGUE
Licensing Manager
Sheffield Safeguarding Children Board

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12/1/10

The Designated Premises Supervisor
D'Beers
66 Crookes
Sheffield S10 1UG

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
Fax: 0114 2734628

Dear Sir/Madam

**THE PROTECTION OF CHILDREN AT LICENSED PREMISES - LICENSING ACT 2003
OFFER OF FREE STAFF TRAINING: D'BEERS, 66 CROOKES, SHEFFIELD**

I am writing to inform you that a place has been reserved for management/staff at the above premises, on the multi-agency 'Safeguarding Children at Licensed Premises' training workshop. The workshop is free of charge and will take place as follows:

Dates: Wednesday, 3rd February 2010
Venue: Norfolk Heritage Park, Guildford Avenue, Sheffield S2 2PL
Time: 1.15pm to 5.15pm

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; 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.

In the meantime, please ensure that the following child protection systems are operating at the premises (immediate advice and support with these systems is available from Greg Ward, Trading Standards, tel. (0114 2736241):

- The Challenge 21 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 scheme and to highlight the law in relation to children and alcohol must be prominently displayed.

Please contact me on (0114) 2736753 **not later than 31st January 2010** to confirm the name of the person who will attend. **DELEGATES ATTENDING THE WORKSHOP MUST BRING PHOTO ID (passport or driving licence) IN ORDER TO OBTAIN A CERTIFICATE OF ATTENDANCE.**

Yours sincerely

JULIE HAGUE
Licensing Project Manager
Sheffield Safeguarding Children Board

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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
Fax: 0114 2734628

21 June 2010

Neil Tyler
Mr B's
66 Crookes
Sheffield S10

By post

Dear Neil

THE PROTECTION OF CHILDREN AT LICENSED PREMISES - LICENSING ACT 2003
OFFER OF FREE STAFF TRAINING: MR B'S, 66 CROOKES, SHEFFIELD

I am writing to inform you that a place has been reserved for you on the multi-agency 'Safeguarding Children at Licensed Premises' training workshop. The workshop is free of charge and will take place as follows:

Dates: Wednesday, 7th July 2010
Venue: Norfolk Heritage Park, Guildford Avenue, Sheffield S2 2PL
Time: 1.15pm to 5.15pm

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; 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.

In the meantime, please ensure that the following child protection systems are operating at the premises (immediate advice and support with these systems is available from Greg Ward, Trading Standards, tel. (0114 2736241):

- The Challenge 21 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 scheme and to highlight the law in relation to children and alcohol must be prominently displayed.

Please contact me on (0114) 2736753 not later than 30th June 2010 to confirm the name of the person who will attend. **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

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Address correspondence to:

Julie Hague
Sheffield Safeguarding Children Board
- Licensing Project
Floor 2
Redvers House
Union Street
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Telephone: 0114 2736753
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Fax: 0114 2734628

20.9.10

Mr Neil Tyler
D'Beers
66 Crookes
Sheffield S10 1UG

Dear Sir/Madam

THE PROTECTION OF CHILDREN AT LICENSED PREMISES - LICENSING ACT 2003
OFFER OF FREE STAFF TRAINING: D'BEERS, 66 CROOKES, SHEFFIELD

I am writing to inform you that a place has been reserved for your staff on the multi-agency 'Safeguarding Children at Licensed Premises' training workshop. The workshop is free of charge and will take place as follows:

Dates: Wednesday, 13th October 2010
Venue: Norfolk Heritage Park, Guildford Avenue, Sheffield S2 2PL
Time: 1.15pm to 5.15pm

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; 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.

In the meantime, please ensure that the following child protection systems are operating at the premises (immediate advice and support with these systems is available from Greg Ward, Trading Standards, tel. (0114 2736241):

- The Challenge 21 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 scheme and to highlight the law in relation to children and alcohol must be prominently displayed.

Please contact me on (0114) 2736753 not later than 30th September 2010 to confirm the name of the person who will attend. **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

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Address correspondence to:

Julie Hague
Sheffield Safeguarding Children Board
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Floor 2
Redvers House
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Sheffield S1 2JQ
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Email: Julie.hague@sheffield.gov.uk
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8th November 2010

Mr Neil Tyler
D'Beers Off Licence
66 Crookes
Sheffield
S10 1UG

Dear Mr Tyler

THE PROTECTION OF CHILDREN AT LICENSED PREMISES - LICENSING ACT 2003
D'BEERS OFF LICENCE, 66 CROOKES, SHEFFIELD

Further to our meeting on 22.10.10 with PC Atha of South Yorkshire Police, at which we discussed the systems you have in place to prevent the sale of age restricted products to young people. I am writing to confirm the key points of our meeting and the advice issued to you verbally during discussion.

1. You were informed by PC Atha that a complaint has been received by the police, alleging that two 13 year old girls were purchasing cigarettes at the premises. PC Atha explained that the purpose of the meeting was to discuss this complaint in light of the history of failed test purchase operations, which have resulted in young people under the age of 18 years purchasing alcohol at the above premises. PC Atha and I raised concerns that existing systems operating to prevent underage sales had not improved and a discussion took place about the current systems.
2. It was noted that you and staff member Mr Michael Mason have already attended the multi agency training workshop 'Safeguarding Children at Licensed Premises' that is delivered by the Safeguarding Children Board in partnership with the Police and Trading Standards.
3. You confirmed that the Challenge 21 currently operates and I advised you to increase your proof of age scheme to 'Challenge 25'.
4. In compliance with the guidance issued by the Safeguarding Children Board, South Yorkshire Police and the Council's Trading Standards service (as previously provided to you) a refusals register and staff training records must be maintained.
5. Refresher training should be delivered to all staff in relation to the age verification scheme and to raise their awareness of the issues discussed in this meeting and the consequences of selling alcohol or other age restricted goods to persons underage.
6. A record should be maintained of any disciplinary action you have taken, or training that has been undertaken, in response to staff selling underage.
7. An incident log should be maintained and any concerns about proxy purchase, or regarding young people congregating in proximity to the premises, should be recorded in this log and reported to the police using the '101' number.
8. It was noted that you proposed to meet with Mr Greg Ward of the Council's Trading Standards Service on 25.10.10 to further examine your systems and consider

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Address correspondence to:

Julie Hague
Sheffield Safeguarding Children Board
- Licensing Project
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Redvers House
Union Street
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Email: Julie.hague@sheffield.gov.uk
Fax: 0114 2734628

8.12.10

Neil Tyler
D'Beers Off Licence
66 Crookes
Sheffield S10 1UG

Dear Madam

**THE PROTECTION OF CHILDREN AT LICENSED PREMISES - LICENSING ACT 2003
OFFER OF FREE STAFF TRAINING: D'BEERS, 66 CROOKES, SHEFFIELD S10 1UG**

I am writing to inform you that a place has been reserved on the multi-agency 'Safeguarding Children at Licensed Premises' training workshop, for your member of staff Katharine Mason. The workshop is free of charge and will take place as follows:

Dates: Wednesday, 16th February 2011
Venue: STADIA TECHNOLOGY PARK, 60 Shirland Lane, Sheffield S9 3SP
Time: 1.15pm to 5.15pm

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; 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.

In the meantime, please ensure that the following child protection systems are operating at the premises (immediate advice and support with these systems is available from Greg Ward, Trading Standards, tel. (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.
- 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 to assist customers who do not have other types of acceptable identification.

Please contact me on (0114) 2736753 not later than 30th January 2011 to confirm the name of the person who will attend. **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



FILE NOTE: 8.11.11

I rang Neil Tyler at approx 3.15pm to explain that the meeting with him, myself and SYP licensing team did not proceed yesterday (7.11.11) as the letter issued by SYP had required the recipient to confirm their availability.

Mr Tyler said that he had met on 7.11.11 with PC Atha and reiterated to me that he is willing to meet at any time to discuss the issues. I explained that as there have been two sales/failed TPs within one week, both made by himself, and in light of the advice visits, training and meetings previously, there is little the SSCB can do at this stage and that there is a joint agency protocol which will now proceed. However I did recommend that all of Mr Tyler's staff should attend the multi agency training, he said that the DPS (Mr Casimir-Cohn) has already attended but that Kimberley Dunne, another member of staff, would attend on 1.2.12. I therefore reserved a place for Kimberley Dunne on 1.2.12 and sent a letter to the DPS and Licence Holder to confirm this.

It was agreed that in light of the procedure in place for 'persistent sales' there would be little value in having another advice meeting.

JULIE HAGUE
8.11.11



8.11.11

Louis Casimir-Cohn
28 Bower Road
Crookesmoore
Sheffield S10 1ER

Dear Sir/Madam

Address correspondence to:

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

THE PROTECTION OF CHILDREN AT LICENSED PREMISES - LICENSING ACT 2003
OFFER OF FREE STAFF TRAINING: D'BEERS, 66 CROOKES, SHEFFIELD S10 1UG

I am writing to confirm that a place has been reserved for Kimberley Dunne or another member of your 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: 1.2.12

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 to assist customers who do not have other types of acceptable identification.

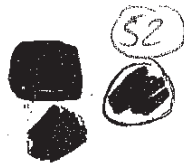
TO SECURE A PLACE PLEASE CONFIRM BY 25TH JANUARY 2012. DELEGATES ATTENDING THE WORKSHOP MUST BRING PHOTO ID (passport or driving licence) IN ORDER TO OBTAIN A CERTIFICATE OF ATTENDANCE. Please let us know in advance if you have any special requirements to access the training.

Yours sincerely

JULIE HAGUE

Licensing Project Manager, Sheffield Safeguarding Children Board

Co Licence Holder: Mr Neil Tyler, The Coach House, Far Lane, Sheffield S10 1UG



13.4.12

Louis Casimir-Cohn
28 Bower Road
Crookesmoore
Sheffield S10 1ER

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
Fax: 0114 2734628

Dear Sir/Madam

**THE PROTECTION OF CHILDREN AT LICENSED PREMISES - LICENSING ACT 2003
OFFER OF FREE STAFF TRAINING: D'BEERS, 66 CROOKES, SHEFFIELD S10 1UG**

I am writing to confirm that a place has been reserved for you/your 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: 18.4.12

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 to assist customers who do not have other types of acceptable identification.

TO SECURE A PLACE PLEASE CONFIRM BY 17 APRIL 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

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APPENDIX D

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P Please don't print this e-mail unless you really need to

From: Andrea.Marsden@southyorks.pnn.police.uk [mailto:Andrea.Marsden@southyorks.pnn.police.uk]
Sent: 19 May 2012 10:32
To: Ruston Andy (CEX)
Subject: Fw: Review-D'Beers, 66 Crookes

Please see below, failed to send first time!

Andrea Marsden
Licensing Enforcement Officer

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

(0114) 2523618 - External
Extension 718618 - Internal

Fax - (0114) 2523688 - External
8688 - Internal

E mail-andrea.marsden@southyorks.pnn.police.uk

----- Forwarded by Andrea Marsden/SHEFFIELD/SYP on 19/05/2012 10:33 -----

Andrea Marsden/SHEFFIELD/SYP

To andy.ruston@sheffield.gov.uk

cc

19/05/2012 10:30

Subject Review-D'Beers, 66 Crookes

Andy,

having just looked at our records may I slightly ammend page 5 of the Application.

After point 4. I stated that:-

From records in our possession Mr Tyler has failed 4 further tp ops.

This should read failed 3 not 4 and please omit the date 13/03/2009 as that was a pass.

The premises did in fact pass tp ops on 26th October 2010, 30th May 2009 and 13th March 2009.

Apologies for this but systems were a little more complicated prior to our team taking over but having gone through them again the above are correct and I did not want to mislead the board.

Kind regards

Andrea

Andrea Marsden
Licensing Enforcement Officer

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

(0114) 2523618 - External
Extension 718618 - Internal

Fax - (0114) 2523688 - External
8688 - Internal

E mail-andrea.marsden@southyorks.pnn.police.uk

Internet communications are not secure and therefore South Yorkshire Police cannot accept responsibility for any changes made to this message after it was sent. This e-mail and any attachments may be confidential. They may contain privileged information and are intended for the intended recipient, if you are not the intended recipient please notify us immediately and delete the message and any attachments from your computer. Do not disclose, distribute, or retain this e-mail or any part of it. In the case of a privately generated e-mail, the opinion expressed may not be the opinion of the South Yorkshire Police We believe but do not warrant that this e-mail and any attachments are virus free. You must therefore take full responsibility for virus checking. South Yorkshire Police reserves the right to monitor all e-mail communications through their networks

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APPENDIX E

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

To: Neil Howard Tyler, D'Beers Off Licence, 66 Crookes, Sheffield, S10 1UG.

The Sheffield City Council being the licensing authority, on the 17th April 2012 received an application for a review of a Premises Licence in respect of premises known as D'Beers Off Licence, 66 Crookes, Sheffield, S10 1UG.

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

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the 14th June 2012 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 24 May 2012

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.

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LICENSING ACT 2003
Section 52(2)

**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 17th April 2012 received an application for a review of a Premises Licence in respect of premises known as D'Beers Off Licence, 66 Crookes, Sheffield, S10 1UG.

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

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the 14th June 2012 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 24 May 2012

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.

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

Julie Hague
Licensing Project Manager
Sheffield Safeguarding Children Board

The Sheffield City Council being the licensing authority, on the 17th April 2012 received an application for a review of a Premises Licence in respect of premises known as D'Beers Off Licence, 66 Crookes, Sheffield, S10 1UG.

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

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the 14th June 2012 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 24 May 2012

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.

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APPENDIX F

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

To: Neil Howard Tyler, D'Beers Off Licence, 66 Crookes, Sheffield, S10 1UG.

The Sheffield City Council being the licensing authority, on the 17th April 2012 received an application for a review of a Premises Licence in respect of premises known as D'Beers Off Licence, 66 Crookes, Sheffield, S10 1UG.

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

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the 14th June 2012 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 24 May 2012

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.

NOTES

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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



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

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

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

- NB:
- 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
 - 2) The Board Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

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Regulation 8 (LAR 1)

**Notice of actions following receipt
of notice of hearing**

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

I
Of

hereby confirm that I have received the Notice of Hearing dated
and notify you as follows:

[I [do not] intend to attend the hearing]

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

[I consider the hearing to be unnecessary because:

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

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Delete words in square brackets which do not apply

Please see Regulation 8 overleaf

Regulation 8

(1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –

- (a) whether he intends to attend or be represented at the hearing;
- (b) whether he considers a hearing to be unnecessary

(2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

(3) In the case of a hearing under –

- (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
- (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

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

(4) In the case of a hearing under –

- (a) section 167(5)(a) (review of premises licence following closure order),
- (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
- (c) paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- (d) 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 two working days before the day or the first day on which the hearing is to be held.

