



**SHEFFIELD CITY COUNCIL
Committee Report**

4

Report of: Chief Licensing Officer, Head of Licensing

Date: 27th March 2012

Subject: **Licensing Act 2003**
Summary Review of a Premises Licence: Serious
Crime and Disorder.

Author of Report: Andy Ruston

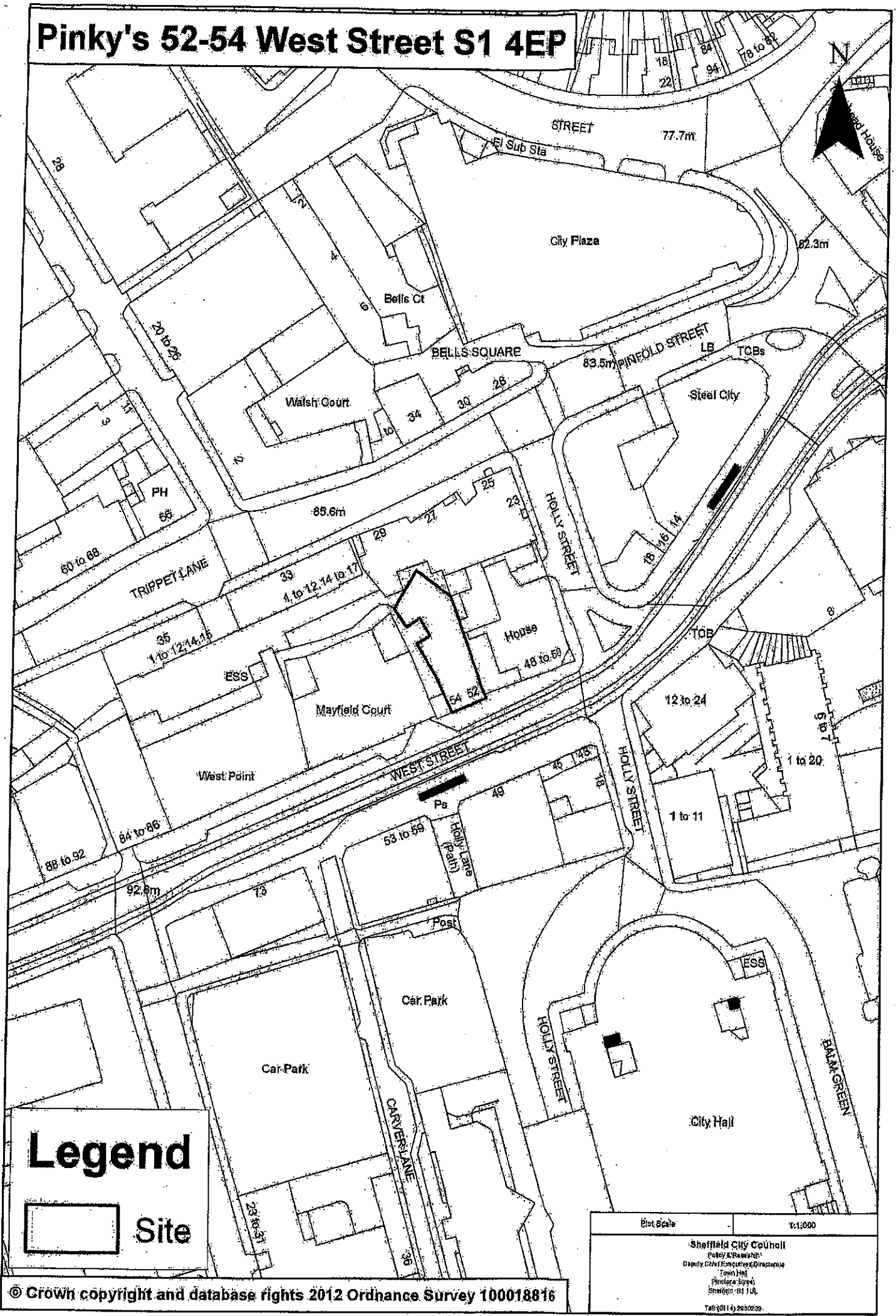
Summary: To consider an application for the summary review of a premises licence made under Section 53A of the Licensing Act 2003.

Recommendations: That members carefully consider the application for review along with any other representations made and take such steps as detailed in the report that the Committee consider necessary for the promotion of the Licensing Objectives

Background Papers: Attached documents

Category of Report: OPEN

Pinky's 52-54 West Street S1 4EP



Legend

 Site

Plot Scale: 1:1,000
 Sheffield City Council
 Policy & Research
 Deputy Chief Executive/Director
 Town Hall
 Sheffield S1 1UL
 Tel: 0114 2680239

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

Ref No: 29/12

LICENSING ACT 2003

Summary Review of Premises Licence: Serious Crime and Disorder

Pinky's/Amnesia, 52-54 West Street, Sheffield, S1 4EP.

1.0 PURPOSE OF REPORT

- 1.1 To consider an application for the summary review of a premises licence made under Section 53A of the Licensing Act 2003 in relation to the premises known as Pinky's/Amnesia, 52-54 West Street, Sheffield, S1 4EP.
- 1.2 A copy of the current premises licence is attached at Appendix 'A'.
- 1.3 A meeting was held on 1st March 2012, to give consideration as to whether it was necessary to take interim steps following the application for summary review of the premises licence. A copy of the notice of determination following the meeting on 1st March 2012, is attached to this report at Appendix 'B'.
- 1.4 The Premises Licence Holder made representation against the interim steps taken by the Licensing Committee, following which a meeting was held on 8th March 2012, to consider the representation. Chris Grunert, John Gaunt and Partners on behalf of the premises licence holder, during the meeting, withdrew the representation made by the applicant, thus leaving in place the interim steps taken on 1st March 2012.
- 1.5 The Licensing Service has received representation in respect of the application from the following;

Health Protection Service
Sheffield Safeguarding Children Board

Appendix 'C'
Appendix 'D'

2.0 THE APPLICATION

- 2.1 The applicant is South Yorkshire Police.
- 2.2 The application and certificate, which were received on 1st March 2012, are attached to the report labelled Appendix 'E'.
- 2.3 The grounds for the review are that in the opinion of a senior police officer, the premises are associated with serious crime or serious disorder or both.
- 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 made under section 53A to the Licensing Committee.
- 3.2 The Chief Officer of Police (or representative) who made the application, 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 'F'.

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 Section 53A of the 2003 Act as amended by the Violent Crime Reduction Act 2006 and The Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007 came into force on 1 October 2007
- 5.2 The procedures allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).
- 5.3 The Licensing Act 2003 at section 53C requires that the Licensing Authority must-
- (a) hold a hearing to consider the application for the review and any relevant representations;
 - (b) take such steps mentioned in subsection (3) (if any) as it considers necessary for the promotion of the licensing objectives; and
 - (c) secure that, from the coming into effect of the decision made on the determination of the review, any interim steps having effect pending that determination cease to have effect (except so far as they are comprised in steps taken in accordance with paragraph (b)).
- 5.4 Section 53C(3) states:
- “The steps are –
- a) The modification of the conditions of the premises licence;
 - b) The exclusion of a licensable activity from the scope of the licence;
 - c) The removal of the designated premises supervisor from the licence;
 - d) The suspension of the licence for a period not exceeding three months; or
 - e) The revocation of the licence.
- (4) For the purpose of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition added.”

5.5 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 only for a specified period (not exceeding three months).

5.6 The Licensing Act 2003 at section 53C(11) states that:

"A decision under this section does not have effect until –

- a) the end of the period given for appealing against the decision, or
- b) if the decision is appealed against, the time the appeal is disposed of."

5.7 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.

5.8 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 'G'.

6.3 Attached at Appendix 'G' 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 5.4 above that the Committee consider necessary for the promotion of the Licensing Objectives.

9.0 OPTIONS OPEN TO THE COMMITTEE

9.1 The options open to the Committee are:

- a) To take no action;
- b) To modify the conditions of the licence;
- c) To exclude a licensable activity from the scope of the licence;
- d) To remove the designated premises supervisor for the licence;
- e) To suspend the licence for a period not exceeding three months; or
- f) To revoke the licence.

Stephen Lonnia, Chief Licensing Officer, Head of Licensing
Business, Strategy and Regulation
Place Portfolio
Town Hall
Sheffield
S1 2HH

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Appendix A

THE LICENSING ACT 2003

Premises Licence No: SY 1818 PR

ISSUE NO:10

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

Pinky's (formerly Redstone)
52-54 West Street
Sheffield
S1 4EP

Telephone Number: 0114 2729661

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

1. Provision of regulated entertainment:

Live Music

Recorded Music

Performances of Dance

Anything of a similar description to live music, recorded music or performances of dance

Indoors

Sunday	16:00 to 02:30 hours the following day
Monday	16:00 to 02:30 hours the following day
Tuesday	16:00 to 02:30 hours the following day
Wednesday	16:00 to 02:30 hours the following day
Thursday	16:00 to 03:30 hours the following day
Friday	16:00 to 03:30 hours the following day
Saturday	16:00 to 03:30 hours the following day

2. Provision of entertainment facilities for:

Facility for Making Music

Facility for Dancing

Entertainment of a similar description to making music and dancing

Indoors

Sunday	16:00 to 02:30 hours the following day
Monday	16:00 to 02:30 hours the following day
Tuesday	16:00 to 02:30 hours the following day
Wednesday	16:00 to 02:30 hours the following day
Thursday	16:00 to 03:30 hours the following day

Friday 16:00 to 03:30 hours the following day
Saturday 16:00 to 03:30 hours the following day

3. Late Night Refreshment:
Indoor

Sunday 23:00 to 02:30 hours the following day
Monday 23:00 to 02:30 hours the following day
Tuesday 23:00 to 02:30 hours the following day
Wednesday 23:00 to 02:30 hours the following day
Thursday 23:00 to 03:30 hours the following day
Friday 23:00 to 03:30 hours the following day
Saturday 23:00 to 03:30 hours the following day

4. Sale by retail of alcohol
(a) for consumption on the premises

Sunday 16:00 to 02:00 hours the following day
Monday 16:00 to 02:00 hours the following day
Tuesday 16:00 to 02:00 hours the following day
Wednesday 16:00 to 02:00 hours the following day
Thursday 16:00 to 03:00 hours the following day
Friday 16:00 to 03:00 hours the following day
Saturday 16:00 to 03:00 hours the following day

The opening hours of the premises are:

Sunday 16:00 to 02:30 hours the following day
Monday 16:00 to 02:30 hours the following day
Tuesday 16:00 to 02:30 hours the following day
Wednesday 16:00 to 02:30 hours the following day
Thursday 16:00 to 03:30 hours the following day
Friday 16:00 to 03:30 hours the following day
Saturday 16:00 to 03:30 hours the following day

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

Sale by retail of alcohol for consumption on the premises.

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.

PART 2

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

Treasure Investment Limited
Apartment 127 The Brew House
211 Ecclesall Road
Sheffield
S11 3WX

Telephone Number: 0114 2729661

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

07542552

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

Kelly Andrea Francis
42 Tunwell Avenue
Sheffield
S5 9FE

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

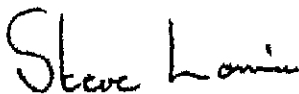
Personal Licence Number: SY3869 Per
Issuing Authority: Sheffield City Council

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

Restricted

This Premises Licence shall be in force from the 26th February 2009.

Issued on: 27th February 2009.



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

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Sheffield City Council – For Office use only	
Variation of Premises Licence	No:1 Issue Date: 4 th August 2009
Variation of DPS	No:5 Issue Date: 13 th January 2012
Transfer of Premises Licence	No:2 Issue Date: 13 th May 2011
Minor Variation	No:1 Issue Date: 5 th February 2011
Change of Name/Address	
Summary Review of Premises Licence	No:1 Amended licence granted 6 th February 2012



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.

(11)

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 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process; or
(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

1. A C.C.T.V system will be fitted at the premises and maintained and images will be kept for a reasonable period of time and made available for inspection by officers from South Yorkshire Police or authorised officers from the Council for purposes in connection with the prevention of Crime and Disorder.
2. Zero tolerance with regards to drugs.
3. The Premises Licence Holder, Designated Premises Supervisor or other such nominated person will be a member of the Sheffield Licence Watch scheme, maintain annual membership and attend regularly.
4. All staff members will be trained in relation to Health and Safety issues.
5. Plastic drinking vessels will be used.
6. In-depth risk assessments will be carried out in relation to the operation of the premises and will be available for inspection by the Responsible Authorities.
7. The number of the public who may be present at any one time on the premises as specified below shall not exceed; Area - for the whole of the premises, 335 persons.
8. All doors and windows shall be closed, save for access and egress, when regulated entertainment is present in the premises.
9. The Designated Premises Supervisor or designated member of staff must take a proactive approach to noise control, checking outside the premises to ensure that noise is kept to a reasonable level from patrons using the external area and manage noise levels internally so as not to cause a nuisance to the nearest noise sensitive property.
10. The Premises Licence Holder shall prominently display A5 notices on all exits reminding patrons to leave the premises in a quiet and orderly fashion to respect the local neighbours needs.
11. No amplified sound shall be played in the premises except through an in house amplified sound system fitted with a sound limiter and a cut off device connected to all emergency fire doors. The settings shall have received the prior written approval of the Environmental Protection Service.
12. All ventilation outlets, which serve the licensed area, are to be acoustically baffled and there after retained.
13. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
14. Security staff will wear high visibility clothing (selected in liaison with SYP) inside and outside the venue at all times, in an effort to reduce the incidence of violence.



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

1. There shall be no emptying of bottle bins between 2300 and 0700 hours Monday to Saturday inclusive and between 2300 and 0900 hours Sundays and Bank Holidays.
2. Customers wishing to smoke must remain in the designated areas and be monitored by security staff.
3. The DPS continue to work closely with representatives from the Environmental Protection Service.

Conditions attached after a hearing by the licensing authority on 30.12.11 following a summary review of the premises licence.

1. The DPS and management are to receive the appropriate safeguarding children training.
2. The DPS and management are to undertake training on the violent crime protocol (and training records are to be kept).
3. The number of doorstaff to be 8 members on a Friday, 8 members on a Saturday and 6 members on a Sunday. Records are to be kept of the full name, SIA number and details of the time at which each member of doorstaff starts and ends their shift.
4. The DPS and management must ensure that full personal details of all door staff are kept and made available for inspection
5. A knife arch is to be in place at the premises and used at all times.
6. The Challenge 25 scheme is to be operated. Staff must be trained, records of training must be kept, and refresher training provided.
7. All members of staff at the premises must seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or proof of age card carrying a "PASS" logo.
8. CCTV face recognition must be used.
9. The management of the premises are to acquire a suitable number of radio set(s) for the premises and take the CCRAC Radio Scheme into use at all times when trading, and continue to be a user whilst the system/facility is in use in Sheffield.
10. No under 18's to be on the premises at any time.
11. No entry to the premises after 1am.

12. Anyone leaving the premises to smoke must go through the full security checks on re entry to the premises.

13. No alcohol to be taken outside the premises in open vessels.

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Annex 4 – Plans

Plan ref:- LI 02

Date of drawing:- January 2011

LICENSING ACT 2003

Premises Licence Summary

ISSUE NO:10

The Sheffield City Council being the Licensing Authority under the above Act hereby issue this Premises Licence Summary in respect of:

Premises licence number SY 1818 PR

Pinky's (formerly Redstone)
52-54 West Street
Sheffield
S1 4EP

Telephone Number: 0114 2729661

Licensable activities authorised by the licence:

1. Provision of regulated entertainment:

Live Music

Recorded Music

Performances of Dance

Anything of a similar description to live music, recorded music or performances of dance

Indoors

Sunday	16:00 to 02:30 hours the following day
Monday	16:00 to 02:30 hours the following day
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Indoor

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Friday	23:00 to 03:30 hours the following day
Saturday	23:00 to 03:30 hours the following day

4. Sale by retail of alcohol

(a) for consumption on the premises:

Sunday	16:00 to 02:00 hours the following day
Monday	16:00 to 02:00 hours the following day
Tuesday	16:00 to 02:00 hours the following day
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Friday	16:00 to 03:30 hours the following day
Saturday	16:00 to 03:30 hours the following day

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

Sale by retail of alcohol for consumption on the premises.

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.

PART 2

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

Treasure Investment Limited
Apartment 127 The Brew House
211 Ecclesall Road
Sheffield
S11 3WX

Telephone Number: 0114 2729661

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

07542552

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

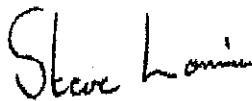
Kelly Andrea Francis

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

Restricted

The Premises Licence shall be in force from 26th February 2009.

Issued on: 27th February 2009.



.....
Steve Lonnie
Chief Licensing Officer
Head of Licensing Services
On behalf of Sheffield City Council (issuing licensing authority)



Appendix 1

Appendix B

LICENSING ACT 2003
Section 53A(2)(a)

Notice of determination under Section 53B of consideration whether it is necessary to take interim steps.

Treasure Investments Ltd
Apartment 127 The Brew House
211 Ecclesall Road
Sheffield
S11 3WX

The Sheffield City Council, being the licensing authority, on the 1st March 2012 received an application for a Summary Review of a Premises Licence from South Yorkshire Police in respect of premises known as **Pinky's / Amnesia, 52 - 54 West Street, Sheffield, S1 4EP.**

Decision of the Licensing Committee
1st March 2012

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

South Yorkshire Police submitted a summary review application with the required certificate on 1st march 2012. The application, made by the Chief Officer of Police, is of the opinion the premises are associated with serious crime or serious disorder or both.

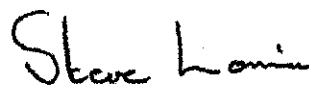
Members decided that, on the evidence provided, it was necessary to take interim steps in order to promote the licensing objectives. Members then considered what steps to take and looked at whether or not conditions could be imposed which would deal with the problems immediately pending full review.

Members were mindful of the previous problems at the premises and were concerned about the event proposed for the coming weekend which was contrary to agreements made at the previous Licensing Hearing to tackle the problems.

They therefore decided to suspend the licence, pending the full review hearing, with immediate effect.

IMPORTANT NOTE:

- 1. The above decision takes effect as from 1st March 2012 at 1.15pm.**
- 2. The premises licence holder may make representations against the interim steps taken by the Licensing authority. There is no time limit for making representations and on receipt of the representations the Licensing Authority must hold a hearing within 48 hours of receipt. (Please note that only working days are counted in the 48 hour period)**



Dated: 1st March 2012

Signed: Chief Licensing Officer, Head of Licensing

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

Appendix C

Ruston Andy (CEX)

From: Licensing(General)
Sent: 15 March 2012 11:21
To: Ruston Andy (CEX); Bower Claire
Subject: FW: PINKY'S/AMNESIA FORMERLY REDSTONE, 52-54 WEST STREET, SHEFFIELD S1 4EP
Importance: High
Attachments: amnesia.doc

From: Lobo Rose
Sent: 15 March 2012 11:13
To: Licensing(General)
Subject: PINKY'S/AMNESIA FORMERLY REDSTONE, 52-54 WEST STREET, SHEFFIELD S1 4EP
Importance: High

Hi

Please see attached letter which I am sending on behalf of Sean Gibbons.

Regards

Rose Lobo
Information Officer
Health Protection Service
Environment and Regulatory Services
Sheffield City Council
2-10 Carbrook Hall Road, Sheffield S9 2DB
Tel: 0114 273 4415
Fax: 0114 273 6464
Email: rose.lobo@sheffield.gov.uk
Contact us at:
<http://www.sheffield.gov.uk/env/environmental-health/food/contact>

Business Strategy & Regulation

Director of Business Strategy & Regulation: Mick Crofts

Health Protection Service

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

Fax No. (0114) 273 6464

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Officer: Mr S Gibbons
sean.gibbons@sheffield.gov.uk
Ref: Pinky's/Amnesia/seg

Tel: 0114 273 4616
Date: 15 March 2012

Treasure Investment Limited
Apartment 127 The Brew House
211 Ecclesall Road
Sheffield
S11 3WX

Dear Sirs

Licensing Act 2003- Application for Summary Review of Premises Licence

Premises: Pinky's/Amnesia, Formerly Redstone, 52-54 West Street, Sheffield, S1 4EP

I write with reference to the application made by South Yorkshire Police for the summary review of the Premises Licence for the above premises, and confirm that the Health Protection Service is supporting this application to review the premises licence by making a formal Representation.

A visit was made to the premises on 12 March 2012, during which I met with Nadia Nirwaz and Naomi Anderson. I requested that Mr Tony Wang attended this meeting. Unfortunately Mr Wang did not attend.

During February 2012, several attempts were made to contact Mr Wang via different means. Despite these efforts, Mr Wang never contacted me.

Further to my letter of representation dated 16th December 2011, a copy of the thorough inspection report for the disabled passenger lift was requested. Despite several assurances from Mr Wang and other management at the premises, a thorough inspection report has never been provided to demonstrate that the lift is safe to be used.

Due to non compliance and a lack of confidence in management, an improvement notice was served with respect to the provision of a thorough inspection report for the disabled lift. On attempting to serve this legal notice at the address of the premises licence holder, Treasure Investment Limited, Apartment 127, The Brew House, 211 Ecclesall Road I was informed that Treasure Investment Limited and Mr Wang had left the property in September 2011. The Notice was subsequently served at Amnesia, West Street.

I informed the Licensing authority on the 13th March who were unaware of the situation regarding the registered address of Treasure Investments Limited.

Email Address: HealthProtection@sheffield.gov.uk
Visit us at: www.sheffield.gov.uk/environment/how-we-work/health-protection/

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



26

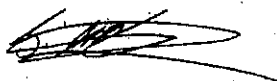
With respect to violence in the workplace, I have concerns from previous evidence provided that members of public have been put at risk and will continue to be put at risk. There is little evidence to demonstrate that management are up to the task.

I have been assured that the newly formed management team are up to the task, however, one has to ask who is actually in control of the premises, so would therefore ask the premises licence holder to submit a management plan to include ownership details, the management structure and to include confirmation that management at the premises has the authority to deal with the day to day financial costs of running the business to include emergency repair funds to cover acts of vandalism etc to maintain public safety.

The management plan should also include up to date risk assessments for the running of the club. It is my feeling that whilst risk assessments as per condition 8 of Annex 2 of the premises licence were completed and submitted, that they were never actually implemented as it is evident that members of staff including management were not aware of their existence.

I find the current situation concerning and request that the new management confirms in writing their current position, responsibilities and experience of running this type of licensed premises.

Yours faithfully



Mr S Gibbons
Environmental Health Officer

Copy Via Email Legal & Governance – Licensing General Section

Copy Via Post Amnesia, 52-54 West Street, Sheffield, S1 4EP



Appendix D



Bower Claire

From: Licensing(General)
Sent: 12 March 2012 16:13
To: Bower Claire
Cc: Ruston Andy (CEX)
Subject: FW: REPRESENTATION - APPLICATION FOR A SUMMARY REVIEW OF A PREMISES LICENCE: PINKY'S/AMNESIA, 52 - 54 WEST ST, SHEFFIELD S1 4EP

Importance: High

Attachments: cover letter Pinkys Amnesia Representation.doc; Pinkys Amnesia Representation.doc; Redstone 2.doc; Redstone.doc; Redstone aka PINKYs Feb 2012.doc



cover letter Pinkys Amnesia Re...



Pinkys Amnesia Representation....



Redstone 2.doc (146 KB)



Redstone.doc (146 KB)



Redstone aka PINKYs Feb 2012.d..

-----Original Message-----

From: Hague Julie
Sent: 12 March 2012 14:00
To: Licensing(General)
Subject: REPRESENTATION - APPLICATION FOR A SUMMARY REVIEW OF A PREMISES LICENCE: PINKY'S/AMNESIA, 52 - 54 WEST ST, SHEFFIELD S1 4EP
Importance: High

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 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 Board. I would be grateful if you could mark all items except the letter of representation as Annex 1 to the representation, for reference by the Licensing Board.

Thank you.

Julie Hague
Licensing Project Manager
Sheffield Safeguarding Children Board

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



12.3.12

Address correspondence to:

Mr Tony Wang
Treasure Investment Limited
Apartment 127 The Brew House
211 Ecclesall Road
Sheffield S11 3WX

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 Sirs

LICENSING ACT 2003: SUMMARY REVIEW OF A PREMISES LICENCE: PINKY'S / AMNESIA, 52 - 54 WEST STREET, SHEFFIELD S1 4EP

I am writing to inform you that the Sheffield Safeguarding Children Board has made a Representation in relation to the above application. A copy of the Representation is attached to this letter for your information.

Yours faithfully

**Julie Hague
Licensing Project Manager
Sheffield Safeguarding Children Board**

Cc Licensing Authority
South Yorkshire Police





12.3.12

The Licensing Authority
General Licensing 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 2736753
Email: Julie.hague@sheffield.gov.uk
Fax: 0114 2734628

Dear Sirs

LICENSING ACT 2003: SUMMARY REVIEW OF A PREMISES LICENCE: PINKY'S / AMNESIA, 52 – 54 WEST STREET, SHEFFIELD S1 4EP

I am writing on behalf of the Sheffield Safeguarding Children Board to make a Representation in relation to the above application. The reason for the Representation is stated below.

At a summary review Hearing on 30.12.11, the Safeguarding Children Board reported concerns that vulnerable young people were at risk of harm when accessing the premises due to inadequate safeguarding systems being in place. At this time the premises, which operates as an adult night club, was trading as 'Redstone' under the direction of Mr Wang, Treasure Investment Limited (premises licence holder). The premises has since reopened marketing itself as 'Pinky's' then 'Amnesia' and is operating under the same licence holder with a number of new licence conditions for the protection of children from harm. The modified conditions include:

- The DPS and management are to receive the appropriate safeguarding children training.
- The Challenge 25 scheme is to be operated. Staff must be trained, records of training must be kept, and refresher training provided.
- No under 18's to be on the premises at any time.

I am concerned that the above licence conditions have not been complied with. On 1.2.12 the Safeguarding Children Board (in partnership with Trading Standards and South Yorkshire Police) delivered a free training session at which two places had been reserved for Mr Wang's staff (documents at Annex 1 refer). Unfortunately no person from the premises attended the training despite arrangements having been confirmed with the solicitor acting for the premises licence holder. Furthermore, the premises management has not engaged with PC Arundel of South Yorkshire Police, who I observed offering to attend the premises to deliver specialised staff training at the premises. I am concerned therefore that the licence condition requiring the DPS and management to receive the appropriate safeguarding has been breached.

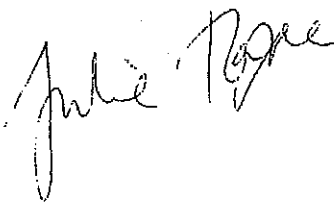
To discuss my concerns with the premises management I attempted to contact the premises licence holder Mr Wang, by telephone and in writing on 2.2.12 (the documents at Annex 1 to this letter refer). I also requested that Mr Wang contact me to establish whether the Challenge 25 scheme was being appropriately operated to prevent young people accessing the premises.



To date, I have not received a response from Mr Wang or the premises management in relation to child protection systems or staff training. The only communication I have received since the Hearing on 30.12.11 is a telephone message from Mr Alex Greenaway on 6.3.12, who informed me that he has withdrawn as Designated Premises Supervisor at the premise and did not wish to be involved in any correspondence.

The information provided by South Yorkshire Police is that the style and character of the premises has reverted to that of a premises similar to 'Redstone' in that the music policy and clientele are again associated with criminality; in light of this, I am concerned that the evident failure to comply with the new conditions may result in the core objective for the protection of children from harm being undermined at this adult night club and would therefore ask the Licensing Authority to consider what positive steps can be taken to address the concerns raised.

Yours faithfully



Julie Hague
Licensing Project Manager
Sheffield Safeguarding Children Board

Cc Applicant: South Yorkshire Police

The Premises Licence Holder: Mr Wang, Treasure Investment Limited





3.1.12

Mr C Grunert
John Gaunt Solicitors

BY EMAIL

Dear Sir/Madam

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

THE PROTECTION OF CHILDREN AT LICENSED PREMISES - LICENSING ACT 2003
OFFER OF FREE STAFF TRAINING: REDSTONE, 52 – 54 WEST STREET, SHEFFIELD S1 4EP

I am writing to confirm that two places have been reserved for the premises management and 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





16.12.11

Mr Darryl Miles
19 Cherry Tree Road
Wales
Sheffield S26 5LL

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: REDSTONE, 52 – 54 WEST STREET, SHEFFIELD S1 4EP

I am writing to confirm that a place has been reserved for you, or a 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):

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- 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).

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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





2.2.12

Mr Tony Wang
Treasure Investment Limited
Apartment 127 The Brew House
211 Ecclesall Road
Sheffield S11 3WX

Sheffield Safeguarding Children Board (Licensing Project)
Floor 2
Redvers House
Union Street
Sheffield S1 2JQ
Telephone: 0114 2736753
Fax: 0114 2734628
E'mail: julie.hague@sheffield.gov.uk

Dear Mr Wang

SAFEGUARDING CHILDREN AT LICENSED PREMISES (LICENSING ACT 2003) – REDSTONE (TRADING AS PINKY’S) 52 – 54 WEST STREET, SHEFFIELD S1 4EP

I am writing further to the Licence Review Hearing on 30.12.11 and refer to the resulting determination of the Licensing Board which I am informed was not appealed. As you are aware, the new conditions referred to within the determination must be complied with in relation to the operation of the above premises licence. This includes the following licence conditions for the protection of children from harm:

- Item 1:** The DPS and management are to receive the appropriate safeguarding children training.
- Item 6:** The Challenge 25 scheme is to be operated. Staff must be trained, records of training must be kept and refresher training provided.
- Item 10:** No under 18's to be on the premises at any time.

I note that the premise has now re-opened and is trading under a new name. However, according to my records the premises management has not arranged for police training nor did any representative of the premises management attend the safeguarding children training yesterday, despite training offers being issued to the premises management in December 2011 and again in January 2012 (copies attached).

In order to avoid a breach of your new licence conditions, I am writing to urge you to contact me immediately (contact details above) to arrange for the relevant members of management to attend the safeguarding training. I would also like to discuss what systems you now have in place to operate a Challenge 25 scheme, to prevent young people from accessing the night club.

I look forward to hearing from you.

Yours sincerely

JULIE HAGUE
Licensing Project Manager
Sheffield Safeguarding Children Board

Cc Licensing Authority; SY Police



Appendix E

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Sheffield City Council Licensing Department
Staniforth Road
Sheffield

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

1. Premises details:

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

Pinky's / Amnesia (Prev known as Redstone)

52-54 West Street

Post town: Sheffield

Post code (if known): **S1 4EP**

2. Premises licence details:

Name of premises licence holder (if known): **Treasure Investment Limited**

Number of premises licence holder (if known): **SY1818 PR**

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

guidance note 1]:

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

(Please tick the box to confirm)

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

[Please read guidance note 2]

The premises formerly known as Redstone were the subject of enquiry by South Yorkshire Police following several incidents of disorder of increasing severity which culminated in a serious wounding incident that occurred inside the premises on 2nd December 2011.

Briefly, as a result of the style of entertainment offered and the way that the premises had been run, the club appeared to have become the resort for individuals known by police to be associated with Organised Crime Groups (OCGs) that are frequently involved in drug trafficking and the associated issues of violence, often involving weapons, over criminal or personal disputes.

On 2nd December 2011, a minor dispute between two women in the bar area escalated into an all-out fight between male OCG members throughout the premises which subsequently spilled out into a disturbance on West Street.

Accordingly, a Expedited Review was requested by South Yorkshire Police and an Interim Steps Hearing took place on 6th December 2011 at which the premises license was suspended.

A full Licensing Review Hearing took place on 30th September 2011.

At the hearing, CCTV from inside the premises was examined which showed the fight inside the bar start and escalate throughout the premises. The extreme level of violence over a minor matter was well displayed, as was the poor control and indifferent attitude of staff. Bar staff appeared nonchalant and continued to serve drinks, even when a lone female at the bar was bundled into by fighting men and sustained injury.

During the hearing, the premises owner Mr Wang, who was represented by John Gaunt & Co Solicitors, made a series of admissions concerning poor management of the premises, which had begun, he said, to degenerate after the introduction of "Urban" music promotions and themed nights.

Mr Wang undertook to rebrand the premises as a "themed" bar with a view to attracting students and a more general audience. His proposal was for a "90's" themed bar called "Happy Feet". This would require a period of closure and redecoration which would provide breathing space. He gave repeated assurances that he would move away from the problematic "Urban" theme and work cooperatively with the police.

The Licensing Committee accepted this proposal, but removed the DPS from the premises and imposed further conditions concerning additional door staff.

The premises reopened in early February 2012 under the new name "Pinky's", having been extensively painted pink inside.

Owing to an apparent lack of custom, the premises opened only on Saturdays.

On 2nd February 2012, police received an application to vary the premises DPS to a Mr A.J.J Greenway. This is the subject of an objection by SYP on the grounds of the applicant not being a "fit and proper person" owing to his recent violent conduct in the night-time economy which has resulted in enforcement action by police through Fixed Penalty Notice in the absence of a complaint in the matter of an assault.

On 29th February 2012 police received intelligence to the effect that the premises formerly known as Redstone were to open as a nightclub called "Amnesia" on Saturday 3rd March 2012 with a "champagne night" opening promotion featuring "Urban" music DJs and acts from Sheffield and Manchester.

Intelligence sources reveal that the promotion will feature acts associated with OCGs from both Sheffield and Manchester and that what is described as a "strong turnout" of OCG members from Manchester is expected.

Intelligence has also been received to the effect that OCG members are now effectively "in control" of the premises, the relaunch as a "themed" bar having failed.

Open sources reveal that the new named premises, "Amnesia", is advertising a "March Madness" from Thursday 8th March until Sunday 10th March.

Attempts to confirm the intentions of the premises through Mr Wang have failed. Contact with his Solicitors, John Gaunts, has been made and has revealed that Mr Wang has had no contact with them since the date of the Licensing Hearing on 30th December 2011.

It is the strong belief of South Yorkshire Police that, were the premises to continue to operate in the manner intended, that very serious crime and disorder would be the result.

It is the contention of SYP that the undertakings made at the Licensing Board on 30th December 2011 have been broken to such an extent that no confidence can be placed in the owner of the premises to ensure that they are run safely and in accordance with the Licensing Objectives.

An Expedited Review on the basis of "Crime and Disorder" is therefore requested.

Signature of applicant:

M. Hemingway

Date: 1st March 2012

Capacity: Police Superintendent

Contact details for matters concerning this application:

Address: **South Yorkshire Police Licensing Department, Police HQ**

Telephone number(s): 0114 2523617

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

Notes for guidance:

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

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

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

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

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

South Yorkshire Police
Sheffield Headquarters
Snig Hill
Sheffield
S3 8LY

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

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

*Premises*²:

Pinky's / Amnesia (Prev known as Redstone)
52-54 West Street
Sheffield
S1 4EP

Premises licence number (if known): SY1818 PR

Name of premises supervisor (if known): Alex Greenaway

I am a Police Superintendent Hemingway³ in the South Yorkshire Police police force.

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

The premises formerly known as Redstone were the subject of enquiry by South Yorkshire Police following several incidents of disorder of increasing severity which culminated in a serious wounding incident that occurred inside the premises on 2nd December 2011.

Briefly, as a result of the style of entertainment offered and the way that the premises had been run, the club appeared to have become the resort for

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

individuals known by police to be associated with Organised Crime Groups (OCGs) that are frequently involved in drug trafficking and the associated issues of violence, often involving weapons, over criminal or personal disputes.

On 2nd December 2011, a minor dispute between two women in the bar area escalated into an all-out fight between male OCG members throughout the premises which subsequently spilled out into a disturbance on West Street.

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During the hearing, the premises owner Mr Wang, who was represented by John Gaunt & Co Solicitors, made a series of admissions concerning poor management of the premises, which had begun, he said, to degenerate after the introduction of "Urban" music promotions and themed nights.

Mr Wang undertook to rebrand the premises as a "themed" bar with a view to attracting students and a more general audience. His proposal was for a "90's" themed bar called "Happy Feet". This would require a period of closure and redecoration which would provide breathing space. He gave repeated assurances that he would move away from the problematic "Urban" theme and work cooperatively with the police.

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"strong turnout" of OCG members from Manchester is expected.

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Attempts to confirm the intentions of the premises through Mr Wang have failed. Contact with his Solicitors, John Gaunts, has been made and has revealed that Mr Wang has had no contact with them since the date of the Licensing Hearing on 30th December 2011.

It is the strong belief of South Yorkshire Police that, were the premises to continue to operate in the manner intended, that very serious crime and disorder would be the result.

It is the contention of SYP that the undertakings made at the Licensing Board on 30th December 2011 have been broken to such an extent that no confidence can be placed in the owner of the premises to ensure that they are run safely and in accordance with the Licensing Objectives.

An Expedited Review on the basis of "Crime and Disorder" is therefore requested.

M. Hemingway

(Signed)

1st March 2012

(Date)



Appendix F

Notice of hearing to consider an application for the summary review of a premises licence

John Gaunt and Partners
372-374 Cemetery Road
Sheffield
S11 8FT

The Sheffield City Council, being the licensing authority, on 1st March 2012, received an application for the Summary Review of a Premises Licence under Section 53A in respect of premises known as Pinky's/Amnesia (Prev known as Redstone), 52-54 West Street, Sheffield, S1 4EP.

The Council now **GIVES YOU NOTICE** that the application for the summary review will be considered in a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **27th March 2012, at 10:00am**; following which the Council will issue a Notice of Determination of the Application for Summary Review.

The documents which accompany this notice are the:

- Application form for applying for a summary licence review; and
- Certificate under Section 53A(1)(b).

The Licensing Authority received representation to the application from the following;

- Sheffield Safeguarding Children Board
- Health and Safety

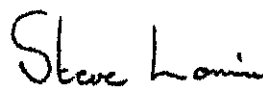
The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

1. Your response to the application for summary 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 the summary review of the Premises Licence.

You should complete the attached form LAR1 and return it to: **The Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3GZ**, within two (2) working days before the day or the first day on which the hearing is to be held.

Dated **19th March 2012**

Signed



The officer appointed for this purpose
Licensing Officer, Development Services

Please address any communications to:
The Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3GZ

Notice of hearing to consider an application for the summary review of a premises licence

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

The Sheffield City Council, being the licensing authority, on 1st March 2012, received an application for the Summary Review of a Premises Licence under Section 53A in respect of premises known as Pinky's/Amnesia (Prev known as Redstone), 52-54 West Street, Sheffield, S1 4EP.

The Council now **GIVES YOU NOTICE** that the application for the summary review will be considered in a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **27th March 2012**, at **10:00am**; following which the Council will issue a Notice of Determination of the Application for Summary Review.

The documents which accompany this notice are the:

- Application form for applying for a summary licence review; and
- Certificate under Section 53A(1)(b).

The Licensing Authority received representation to the application from the following;

- Sheffield Safeguarding Children Board
- Health and Safety

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 summary 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 the attached form LAR1 and return it to: **The Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3GZ**, within two (2) working days before the day or the first day on which the hearing is to be held.

Steve Lamin

Dated 19th March 2012

Signed _____

The officer appointed for this purpose
Licensing Officer, Development Services

Please address any communications to:

The Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3GZ

Notice of hearing to consider an application for the summary review of a premises licence

Sean Gibbons
Business Statergy and Regulation
Health Protection Service
2-10 Carbrook Hall Road
Sheffield
S9 2DB.

The Sheffield City Council, being the licensing authority, on 1st March 2012, received an application for the Summary Review of a Premises Licence under Section 53A in respect of premises known as Pinky's/Amnesia (Prev known as Redstone), 52-54 West Street, Sheffield, S1 4EP.

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2. You may also be asked questions by the parties to the hearing, relating to your representations.

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Steve Lamin

Dated 19TH March 2012

Signed _____
The officer appointed for this purpose
Licensing Officer, Development Services

Please address any communications to:
The Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3GZ

Notice of hearing to consider an application for the summary review of a premises licence

Julie Hague
Licensing Project Manager
Sheffield Safeguarding Children Board

The Sheffield City Council, being the licensing authority, on 1st March 2012, received an application for the Summary Review of a Premises Licence under Section 53A in respect of premises known as Pinky's/Amnesia (Prev known as Redstone), 52-54 West Street, Sheffield, S1 4EP.

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- Application form for applying for a summary licence review; and
- Certificate under Section 53A(1)(b).

The Licensing Authority received representation to the application from the following;

- Sheffield Safeguarding Children Board
- Health and Safety

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 summary 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 the attached form LAR1 and return it to: **The Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3GZ**, within two (2) working days before the day or the first day on which the hearing is to be held.

Steve Lamin

Dated 19th March 2012

Signed _____
The officer appointed for this purpose
Licensing Officer, Development Services

Please address any communications to:
The Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3GZ

Appendix G

Notice of hearing to consider an application for the summary review of a premises licence

John Gaunt and Partners
372-374 Cemetery Road
Sheffield
S11 8FT

The Sheffield City Council, being the licensing authority, on 1st March 2012, received an application for the Summary Review of a Premises Licence under Section 53A in respect of premises known as Pinky's/Amnesia (Prev known as Redstone), 52-54 West Street, Sheffield, S1 4EP.

The Council now **GIVES YOU NOTICE** that the application for the summary review will be considered in a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **27th March 2012, at 10:00am**; following which the Council will issue a Notice of Determination of the Application for Summary Review.

The documents which accompany this notice are the:

- Application form for applying for a summary licence review; and
- Certificate under Section 53A(1)(b).

The Licensing Authority received representation to the application from the following;

- Sheffield Safeguarding Children Board
- Health and Safety

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 summary 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 the summary review of the Premises Licence.

You should complete the attached form LAR1 and return it to: **The Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3GZ**, within two (2) working days before the day or the first day on which the hearing is to be held.

Dated **19th March 2012**

Signed _____



The officer appointed for this purpose
Licensing Officer, Development Services

Please address any communications to:

The Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3GZ

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 –
 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), if given permission by the authority, question any other party; and 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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LICENSING ACT 2003

Pinky's/Amnesia

Form LAR 1
Regulation 8

Notice of actions following receipt of notice of hearing

To Sheffield City Council
The Licensing General Section
Block C, Staniforth Road Depot,
Staniforth Road,
Sheffield,
S9 3GZ

I

Of

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

- I intend to attend the hearing
- I do not intend to attend the hearing
- I intend to be represented at the hearing by:.....
- I do not intend to be represented at the hearing by:.....
- I consider the hearing to be unnecessary because:
- I request thatshould appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

Dated: Signed.....

Please see Regulation 8 overleaf

Please complete this form and return it to:
The Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3GZ



Regulation 8

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

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

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

(3) In the case of a hearing under –

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

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

(4) In the case of a hearing under –

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

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

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