



## SHEFFIELD CITY COUNCIL Committee Report

4

---

**Report of:** Chief Licensing Officer (Head of Licensing)

---

**Date:** 15<sup>th</sup> May 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

---

# 61-65 Barber Road S10 1EA



**Scale: 1:1,000**

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

Site

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

Ref No 39/12

**LICENSING ACT 2003**

**Review of Premises Licence – 61-65 Barber Road, Sheffield, S10 1EA.**

**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 61-65 Barber Road, Sheffield, S10 1EA 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 19<sup>th</sup> March 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The Licensing Authority must under the Act refer any application for review to the Licensing Committee, unless it is withdrawn, or if representations are made by an interested party that the Licensing Authority are of the opinion that they are frivolous or vexatious.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' |
| b) | Trading Standards                     | Appendix 'D' |

- 3.3 The applicant, the Premises Licence Holder and any other person that has made representations have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix '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.

3<sup>rd</sup> May 2012.

(4)

# APPENDIX A



**THE LICENSING ACT 2003**

**Premises Licence No: SY 1784 PR**

**ISSUE NO: 3**

The Sheffield City Council being the Licensing Authority under the above Act, hereby grant this licence in accordance with the requirements of the Licensing Act 2003 in respect of and subject to the conditions attached:

**PART 1 - Premises details**

Nisa Supermarket  
61-65 Barber Road  
Sheffield  
S10 1EA

**Telephone Number: 0114 2670269**

**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	07:00 to 01:00 hours the following day
Monday	07:00 to 01:00 hours the following day
Tuesday	07:00 to 01:00 hours the following day
Wednesday	07:00 to 01:00 hours the following day
Thursday	07:00 to 01:00 hours the following day
Friday	07:00 to 01:00 hours the following day
Saturday	07:00 to 01:00 hours the following day

**The opening hours of the premises are**

Sunday	07:00 to 01:15 hours the following day
Monday	07:00 to 01:15 hours the following day
Tuesday	07:00 to 01:15 hours the following day
Wednesday	07:00 to 01:15 hours the following day
Thursday	07:00 to 01:15 hours the following day
Friday	07:00 to 01:15 hours the following day
Saturday	07:00 to 01:15 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 off 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:**

Mr Tahir Ayub  
61-65 Barber Road  
Sheffield  
S10 1EA

**Telephone Number:** 0114 2670264

**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:**

Mr Zakar Ali Malook  
66 Osgathorpe Road  
Sheffield  
S4 7AR

**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 3375 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 29<sup>th</sup> August 2011.

Issued on: 11<sup>th</sup> September 2008.

*Steve Lonnie*

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

<b>Sheffield City Council – For Office use only</b>		
Variation of Premises Licence	0	
Variation of DPS	1	16 August 2011
Transfer of Premises Licence	2	3 November 2011
Minor Variation	0	

**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 6<sup>th</sup> April 2010:

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

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

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

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

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

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

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

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

**Annex 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. Any new floor surfaces in public areas shall have a suitable non-slip finish.
2. Shelving and display units for the purposes of displaying alcohol must be of suitable design, construction and adequately secured.
3. A satisfactory electrical certificate shall be provided for the premises.
4. The varied premises licence shall not become effective until the Health Protection Service have inspected the premises with regard to the shelving and any new floor surfaces to ensure that these items have been appropriately addressed in respect of service requirements.
5. To comply with the requirements of South Yorkshire Fire and Rescue Service.
6. Any existing CCTV will be maintained in working order, and operated when the premises are trading internally and externally. Images recorded will be available to the Police on request.
7. The Challenge 21 Scheme will be adopted at all times the premises are trading.
8. The Designated Premises Supervisor will be a member of the local licence watch, regular attendance will be maintained.
9. Fire and Health and Safety risk assessments are to be maintained.
10. Access for the disabled will be provided.
11. The Designated Premises Supervisor, or some such other person, will be assigned to act as lead safeguarder for children's issues at the premises. This member of staff would be expected to know what to do and who to contact if safeguarding concerns arise and bears no responsibility for the direct supervision of children.

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



Annex 4 - Plans

Nisa  
24/7/08

# APPENDIX B





South Yorkshire

**POLICE**

(15)

Sheffield City Council Licensing  
Block C  
Staniforth Road Deport  
609 Staniforth Road  
Sheffield  
S9 3GZ

Date: 19<sup>th</sup> March 2012

Dear Sir / Madam,

**Re: Licensing Review –Nisa Supermarket, 61-65 Barber Road, Sheffield, S10 1EA**

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 Responsible Authorities.

Yours Sincerely

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

12.05pm.

Tel – (0114) 2523163

LICENSING GENERAL  
19 MAR 2012  
SECTION

Re: Nisa Supermarket, Barber Road, Sheffield, S10 1EA

Premise Licence Holder – Mr Tahir AYUB  
DPS – Mr Zakar Ali MALOOK

**INDEX TO BUNDLE OF DOCUMENTS**

Compiled on 19th March 2012

DOCUMENT	PAGE
Application for Review (S51)	1-8
Statement of Police Constable Susan FOX	9-10
Statement of Police Constable Steven HEMSLEY	11-14
Copy of Record of Interview with Sophie SIMMONS	16-19
Letter to DPS dated 11 <sup>th</sup> April 2011	20
Statement of Police Constable Susan FOX	21-24
Statement of Police Constable Steven HEMSLEY	25-26
Copy of Record of Interview with Tahir AYUB	27-29
Letter to DPS dated 8 <sup>th</sup> August 2011	30
Statement of Police Constable Susan FOX	31-34
Statement of Police Constable Steven HEMSLEY	35-36
Copy of Record of Interview with Faisal AMWAR	37-39
Additional Statement of Police constable Steven HEMSLEY	40
Statement of Police Constable Susan FOX	41-48
Statement of Police Sergeant Lee KAIGHIN	49-50
Copy of Record of Interview with Waris RAIS	51 - 54
Copy of 48hr Closure Application and Letter to Premise Licence Holder	55 - 57
Statement of Police Constable Susan FOX and copy of Pocket Notebook Entry re serving of Closure Notice	58 - 61
Copy of Premise Licence SY1784PR (issue No 3)	62 - 70

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

(Insert name of applicant)

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

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Nisa Supermarket 61-65 Barber Road	
<b>Post town</b> Sheffield	<b>Post code (if known)</b> S10 1EA

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Tahir AYUB

<b>Number of premises licence or club premises certificate (if known)</b>
8Y 1784 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

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

Please tick yes

I am 18 years old or over

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**

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

**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

~~NISA Supermarket, 61-65 Barber Road, Sheffield S10 1EA was issued with a Premises Licence No. SY 1784 PR on the 14<sup>th</sup> September 2008. Prior to the 10<sup>th</sup> of August 2011 the Premises Licence Holder was Rebwar ISMAIL and the Designated Premises Supervisor was Mohamed Arra KARIM.~~

On the 18<sup>th</sup> of August 2011 South Yorkshire Police received an application for the transfer of the Premise Licence Holder and a variation for the Designated Premises Supervisor. The applications were accepted and S + H Corporation Ltd, 61-65 Barber Road became the new Premise Licence Holders and Zakar Ali MALOOK became the new Designated Premises Supervisor. There have been no further changes since that date on the premises licence.

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.

As previously stated there have been four failed test purchases since April 2011: On the first occasion on the 7<sup>th</sup> April 2011, Sophie SIMMONS was the person responsible for selling alcohol to a person under 18 years old. On the 29<sup>th</sup> July 2011, staff member Tahir AYUB sold alcohol to a person under the age of 18 years. At that time the DPS was Mohamed KARIM.

The third failed test purchase was carried out on the 18<sup>th</sup> of November 2011 when Zakar Ali MALOOK was the new DPS. Staff member, Faisal AMWAR sold alcohol to a person under the age of 18 years on that occasion.

The fourth failed test purchase was carried out on 17<sup>th</sup> February 2012. Staff member Waris RAID sold alcohol to a person under the age of 18 years on that occasion. On this occasion the DPS Zakar MALOOK was asked whether Waris RAID was on the list of people designated to sell alcohol - he replied "No".

Although there was change of both Premise Licence Holder and DPS in August 2011 which was between the 2<sup>nd</sup> and 3<sup>rd</sup> failures, information provided to us by Trading Standards has shown that there are significant links between both the new and previous Premise Licence Holders and DPSs, and therefore we think that it is reasonable and proportionate to request a review of the premise licence on this basis.

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

Test Purchase Operations:-

1) Tuesday 7<sup>th</sup> April 2011

One bottle of Gaymers Pear Cider (which is an alcoholic drink) was sold to a female volunteer aged 17 years old by staff member Sophie SIMMONS. The DPS was present during the sale.

An offer to attend the Multi-Agency training course was made to the offender in lieu of a fixed penalty ticket. Nobody attended the training.

2) Friday 29<sup>th</sup> July 2011

One bottle of Lambrini (which is an alcoholic drink) costing £1.99 was sold to two female volunteers both aged 16 years by staff member Tahir AYUB. The DPS was not present during the sale.

An offer to attend the Multi-Agency training course was offered in lieu of Fixed Penalty Ticket number A0055124 4

3) Friday 18<sup>th</sup> November 2011

one bottle of cider (which is an alcoholic drink) priced at £2.99 was sold to two 15 year old volunteers (one male and one female) by staff member Faisal AMWAR. The DPS was present during the sale.

An offer to attend the multi-Agency training course was offered in lieu of Fixed Penalty Number A0064651 2

4) Friday 17<sup>th</sup> February 2012

One bottle of Cider (which is an alcoholic drink) priced £4.15 was sold to two volunteers (one male and one female) both 15 years old by staff member Waris RAID. The DPS was not present during the sale.

Mr RAID was reported on summons for the offence due to providing incorrect details to the officer at the time of being dealt with for the offence.

The Safeguarding Children's Board have also confirmed that the DPS has been twice offered places on the free multi-agency training course but nobody ever attended. Clearly it can be seen that no regular system of age related checks or challenges 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.

The request for a review of a premise 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 Mr Ali, Mr Karim, S&H Corporation & Mr Malook to ensure that staff at the premises are fully trained in the procedures surrounding requesting ID and following Challenge 21.

Please also be advised that as a result of the 4<sup>th</sup> failed Test Purchase on 17<sup>th</sup> February 2012 South Yorkshire Police have requested a 48hr Voluntary Closure of the premises from 7am on 20<sup>th</sup> April to 7am on 22<sup>nd</sup> April 2012. On 12<sup>th</sup> March 2012 we received confirmation that the closure order was accepted.

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.





This page is meant to be clear

Please tick yes

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

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

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

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

Signature 

Date 19/3/12

Capacity Licensing Officer - South Yorkshire Police

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5) Elizabeth Payne SYP Licensing Team Attercliffe Police Station 60 Attercliffe Common	
<b>Post town</b> Sheffield	<b>Post Code</b> S9 2AD
<b>Telephone number (if any)</b> 0114 2523618	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> sheffield.liquor-licensing@southyorks.pnn.police.uk	

**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.

WITNESS STATEMENT

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

URN [ ] [ ] [ ] [ ]

Statement of Susan FOX
Age if under 18 Over 18 (If over 18 insert "over 18") Occupation: Police Constable 2461 Susan FOX

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] (witness) Date: 15/1/12

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

I am a Police Constable employed by the South Yorkshire Police, currently stationed at Hammerton Road Police Station, Sheffield.

On 7 April 2011, I was on duty in plain clothes, working as part of a test purchase operation in conjunction with Police Constable 1265 Steven HEMSLEY who was in full police uniform.

The operation consisted of a volunteer youth being sent into licensed premises with instructions to purchase alcoholic beverages. My role was to follow the volunteer into the store to observe the interaction and any purchase made, to check that the stores involved are complying with the licensing laws and not selling alcohol to children. These operations are run regularly, over the whole of the South Yorkshire Area. I ensure that all on licensed premises in the area are tested several times over the year on an equal basis. The shops are aware of this policing operation, and always receive feedback from the police, either during the operation if they fail, or shortly afterwards if they pass. Volunteers are selected on the basis that they look like their age, and we no longer use them when they are nearly 18 years old.

The volunteer on this night was 17 years old.

At 19:35 hours, on 7 April 2011, I followed the volunteer into the NISA Store on Barber Road, Sheffield.

There I stood inside the store and observed her select a bottle of Gaymers Cider from the shelf and place it on the counter. The shop assistant, who I know to be Sophie SIMMONS, asked her for payment and

Signature: [Signature] Signature Witnessed by: [Signature]

Continuation of Statement of: Susan FOX

accepted the money offered, then handed the bottle to the volunteer and allowed the volunteer to leave. At no stage did SIMMONS ask for proof of age or ask the volunteer if she was old enough to buy alcohol. The volunteer was in the shop for one minute, and she and SIMMONS were the only people in the shop, other than myself. I observed the transaction from about 3 metres away and I had a clear, unobstructed view throughout, in the ample overhead electric lighting of the store, and I could clearly hear everything that was said, and there was no background noise. I left the store and informed Police Constable 1265 Steven HEMSLEY what had happened.

I then returned to the store a few minutes later, in company with Police Constable 1265 HEMSLEY. Whilst at the entrance I pointed out SIMMONS as the person responsible for selling alcohol to the youth.

Police Constable 1265 HEMSLEY completed the paperwork. I then continued with the operation.

I booked the bottle of Cider into the Hammerton Road Police Station Property Other than found store.

Signature:  P.C. 2461 ..... Signature Witnessed by: .....

WITNESS STATEMENT

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

URN [ ] [ ] [ ] [ ]

Statement of Steven HEMSLEY

Age if under 18 Over 18 (If over 18 insert "over 18") Occupation: Police Constable 1265

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

Signature [Signature] (witness) Date: 2.1.12

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

I am a Police Constable, employed by the South Yorkshire Police, currently stationed at Hammerton Road Police Station, Sheffield.

On 7 April 2011, I was on duty in full police uniform in company with Police Constable 2461 Susan FOX who was in plain clothes. I was working as part of a test purchase operation. The operation consisted of a volunteer youth being sent into licensed premises with instructions to purchase alcoholic beverages. My role was to deal with any failures. Police Constable 2461 Susan FOX's role was to follow the volunteer into the store to observe the interaction and any purchase made, to check that the stores involved are complying with the licensing laws and not selling alcohol to children. These operations are run regularly over the whole of the South Yorkshire Area. My area team runs one most months, ensuring that all off licensed premises in the area are tested several times over the year and on an equal basis. The stores are aware of this policing operation, and always receive feedback from the police, either during the operation if they fail, or shortly afterwards if they pass. Volunteers are selected on the basis that they look like their age, and we no longer use them when they are nearly 18 years old. The volunteer on this night was 16 years old and was given £20.00 cash to purchase alcohol.

At 19:35 hours, on 7 April 2011, Police Constable 2461 Susan FOX followed the volunteer into the NISA Store, on Barber Road, Sheffield. Police Constable 2461 Susan FOX then returned and told me that she had just witnessed a female I now know to be Sophie SIMMONS 18/08/1990 serve the volunteer with alcohol, namely a bottle of Gaymers cider to the value of £1.79. Police Constable 2461 Susan FOX told me

Signature: [Signature] Signature Witnessed by: [Signature]

that SIMMONS did not ask for identification and did not ask the volunteers age. Police Constable 2461 Susan FOX pointed out the female to me that had served the volunteer. I then returned to the store and the following conversation then took place:

1265 My colleague has just witnessed you serving alcohol to a child under the age of 18 years old. I am now going to interview you about this matter. This interview is being recorded and may be used as evidence if this case is brought to trial. The date is 7 April 2011, the time is 19:40 hours. We are at Nisa, Barber Road and my name is Police Constable HEMSLEY. My role is interviewing officer. Can you give me your full name please?

SS Sophie Amanwen Laura SIMMONS

1265 What is your date of birth?

SS [REDACTED]

1256 You are not under arrest and you are free to leave at any time. Do you understand?

SS Yes

1265 I am interviewing you today in relation to an incident of Selling Alcohol to someone under the age of 18, before I question you I will caution you. 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. Do you understand?

SS OK

1265 Whilst I am with you, you are entitled to free and independent legal advice, if throughout the interview you wish to speak with a solicitor let me know and we can stop the interview to sort that. You are not under arrest and you are free to leave at any time. Do you understand?

SS I'm alright thank you, yes.

1265 What has happened today to make the police speak with you?

Signature: *CHK* Signature Witnessed by:

Continuation of Statement of: Steven HEMSLEY

SS I sold an alcoholic drink to someone under age.

1265 What is your store called?

SS Nisa METRO

1265 How long have you worked at this store?

SS Since September 2010

1265 What is your role within this store?

SS Sales assistant

1265 How often do you work?

SS 15 to 20 hours per week, part-time.

1265 What is your policy of serving alcohol within your store?

SS Supposed to ask people for ID if they look under 18

1265 I informed you that you had served one [redacted] who was under the age of 18. Do you remember these youths?

SS I think so

1265 Did you ask them for identification when they presented alcohol namely (enter exhibit and type of alcohol)

SS NO

1265 What did they buy?

SS Bottle of Cider

1265 How much did it cost?

SS No, about, £2.95 or less

1265 Do you know it is an offence to serve alcohol to someone under the age of 18 years of age?

SS Yes

Signature: Steven Hemsley Signature Witnessed by: .....

1265 If you are unsure of someone's age what should you do?

SS Ask for ID and check it

1265 Why didn't you?

SS Its a student area and I let my standards slide

1265 Because this is the first time you have served alcohol to someone under the age of 18, I am offering you the opportunity to go on the test purchase failure course do you agree to this?

SS Yes please

1265 I am now going to read the interview back to you and ask you to sign. Do you wish to add anything

SS No thanks

1265 You do not have to say anything. But it may harm your defence if you do not mention now something which you later rely on in court. Anything you do say may be given in evidence. Do you understand? If you do not attend this course you will be reported on summons for the offence disclosed.

SS OK

Signature *CH*

Signature Witnessed by



RESTRICTED (when complete)

RECORD OF INTERVIEW

URN [ ] [ ] [ ] [ ]

Contemporaneous Notes

Person interviewed: Sophie Simmons

Place of interview: NISA

Baker Rd. Ipswich

Date of interview: 7.4.11

Time commenced: 19:40

Duration of interview: 17 minutes

Audio/DVD reference nos.:

Interviewer(s): P2 1265 Hensley

Other persons present:

Police Exhibit No: SW11

Number of Pages: 5

[Signature] Signature of interviewer producing exhibit

Time concluded: 19:57

Visual image reference nos.:

Counter times	Person Speaking	Text
	1265	<p>This interview is being recorded and may be used as evidence if this case is brought to trial.</p> <p>The date is: 7<sup>th</sup> April 2011</p> <p>The time is: 19:40</p> <p>We are at: NISA, Baker Rd</p> <p>My name is: P2 Hensley.</p> <p>My role is: Interviewing officer</p> <p>My colleague is:</p> <p>Also present is: N/A</p>

Signature(s) [Signature]

RESTRICTED (when complete)

RESTRICTED (when complete)

URN [ ] [ ] [ ]

Person interviewed: Page No: 2

Counter times	Person speaking	Text
1265		can you give me your full name please?
SS		<i>Sophie Armanee Louise Simmonds</i>
1265		What is your date of birth?
SS		[REDACTED]
1265		You are not under arrest and you are free to leave at any time. Do you understand?
SS		<i>Yes.</i>
1265		I am interviewing you today in relation to an incident of Selling Alcohol to someone under the age of 18, before I question you I will caution you. 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. DO YOU UNDERSTAND?
SS		<i>OK</i>
1265		Whilst I am with you, you are entitled to free and independant legal advice. If throughout the interview you wish to speak with your solicitor let me know and we can stop the interview to sort that. You are not under arrest and you are free to leave at any time. Do you understand?
SS		<i>I'm alright thank you, yes</i>

Signature: *Sophie Simmonds*

RESTRICTED (when complete)

RESTRICTED (when complete)

URN [ ] [ ] [ ] [ ]

Person interviewed: Page No: 3

Counter times	Person speaking	Text
1265	SS	What has happened today to make the police speak with you? I sold an alcoholic drink to someone under age.
1265	SS	What is your store called? N/A METRO.
1265	SS	How long have you worked at this store? Since September 2010.
1265	SS	What is your role within this store? Sales assistant.
1265	SS	How long have you worked here? How often do you work.
SS		15-20 hours per week, part-time.

Signature: [Handwritten Signature]

RESTRICTED (when complete)

RESTRICTED (when complete)

URN

Page No: 4.

Person interviewed:

Counter times	Person speaking	Text
1265	SS	What is your policy of serving alcohol within your store? I suppose to serve people if they look like 18
1265	SS	I informed you that you had served two males/females who are under the age of 18? Do you remember these youths? I think so
1266	SS	Did you ask them for identification when they presented alcohol namely: (Enter exhibit and type of alcohol) No
1265	SS	What did they buy? bottle of cider
1265	SS	How much did it cost? No, about 2.95 or less.
1265	SS	Do you know it is an offence to serve alcohol to someone under the age of 18 years of age? Yes
1265	SS	If you are unsure of someone's age what should you do? Ask for ID and check it
1266	SS	(Choose one of the following:) Why didn't you It's a student area and I let my standards slide * I must warn you that you may be reported on summons for the offence of serving alcohol to someone under the age of 18 do you understand? * I am now issuing you with an £80.00 ticket for serving alcohol to someone under the age of 18 do you understand?

Because this is the first time you have served a person under the age

Signature(s)

Sophie Grant

Counter times	Person speaking	Text
	1246	Because this is the first time you have served alcohol to someone under the age of 18. I am offering you the opportunity to go on the Test Purchase Failure Course do you agree to this? (If not deal with the store member in the one of the other two ways)
SS		Yes Please
1246		I am now going to read the interview back to you and ask you and your appropriate adult to sign it.
1266	SS	Do you wish to read anything. NO THANKS.
1266		YOU DO NOT HAVE TO SAY ANYTHING BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION NOW SOMETHING WHICH YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN IN EVIDENCE. DO YOU UNDERSTAND?
		If you do not attend this course you will be reported on summons for the offence disclosed.
SS		OK

Signature: Sophie Smith



South Yorkshire

**POLICE**

Rebwar Ismail  
135-137 Scott Road  
Sheffield  
S4 7BH

11 April 2011

Dear Rebwar Ismail

**UNLAWFUL SALE OF ALCOHOL TO A PERSON UNDER THE AGE OF 18 YEARS-  
NISA, 61-65 BARBER ROAD, SHEFFIELD S10 1EA**

Our records show that you are the Premises Licence Holder for the Licensed Premises shown in the attached letter.

I bring to your attention the contents of that letter and ask you to give due consideration to its significance. You may wish to speak with the Designated Premises Manager of the premises

This letter is served upon you and acts as a written warning relating to this incident. The South Yorkshire Police Liquor Licensing Department has kept a record and will share this information with Sheffield City Council Trading Standards Department and the Sheffield Children's Safeguarder Unit.

This matter may be brought to the attention of the Magistrates and/or Sheffield City Council Licensing Authority at any time in the future. This incident may jeopardise your licence.

Yours Sincerely,

Lucy Adams Licensing Clerk

Licensing Department  
Sheffield HQ  
Snig Hill  
Sheffield  
S3 8LY  
Tel: 0114 2523100  
Fax: 0114 2523688

0114 252 3294

WITNESS STATEMENT

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

URN [ ] [ ] [ ] [ ] [ ]

Statement of Susan FOX .....

Age if under 18 Over 18 .... (If over 18 insert "over 18") Occupation: Police Constable 2461 .....

This statement (consisting of 4 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] p.c. 2461 ..... (witness) Date: 15.1.12 .....

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

I am a Police Constable, employed by the South Yorkshire Police, currently stationed at Hammerton Road Police Station, Sheffield.

On Friday 29 July 2011, I was on duty in full police uniform in company with Police Constable 1265 Steven HEMSLEY who was in plain clothes. I was working as part of a test purchase operation. The operation consisted of two volunteer youths being sent into licensed premises with instructions to purchase alcoholic beverages. My role was to deal with any failures. Police Constable 1265 Steven HEMSLEY'S role was to follow the volunteer into the store to observe the interaction and any purchases made, to check that the stores involved are complying with the licensing laws and not selling alcohol to children. These operations are run regularly, over the whole of South Yorkshire Area I run one most months, ensuring that all off licensed premises in the area are tested several times over the year and on an equal basis. The stores are aware of this policing operation, and always receive feedback from the police, either during the operation if they fail, or shortly afterwards if they pass. Volunteers are selected on the basis that they look like their age, and we no longer use them when they are nearly 18 years old. The volunteers on the night were both 16 years old and were given £20.00 in cash to purchase alcohol.

At 18:08 hours, on Friday 29 July 2011, Police Constable 1265 Steven HEMSLEY followed the volunteers into the NISA store, Barber Road, Sheffield. Police Constable 1265 Steven HEMSLEY then returned and

Signature: [Signature] p.c. 2461 ..... Signature Witnessed by: .....

Continuation of Statement of: Susan FOX

told me that he had just witnessed a male who I now know to be Tahir AYUB date of birth 26/03/1972 sever one of the volunteers with alcohol, namely a Bottle of Lambrini valued at £1.99. Police Constable 1265 Steven HEMSLEY told me that AYUB did not ask for identification of either of the females and did not ask them their age. Police Constable 1265 Steven HEMSLEY pointed out the male to me who had served the volunteers, I then went in to the store and at 18:23 hours the following conversation then took place:

2461 My colleague has just witnessed you serving alcohol to two females under the age of 18. I will now interview you. This interview is recorded and may be given in evidence if a case is brought to trial. 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. You are not under arrest and you are not obliged to remain with me but if you do you are entitled to free and independent advice if you wish. You have the right to legal advice includes the right to speak with a solicitor on the telephone. What is your name?

TA Tahir AYUB

2461 What is your date of birth?

TA [REDACTED]

2461 Where do you live?

TA Sheffield

2461 Where do you work?

TA NISA Barber Road

2461 What is your role there?

TA Sales assistance

2461 How long have you worked there?

TA 2 years

Signature: *S. Fox* ..... Signature Witnessed by: .....



Continuation of Statement of: Susan FOX

Page 3

2461 The purpose of this interview is to discuss the circumstances under which you have just been observed by a police officer to serve a child under the age of 18 with alcohol.

TA Yeah

2461 Do you remember serving the youths I am referring to?

TA Yeah

2461 What did they buy?

TA Lambrini

2461 How much did it cost?

TA £1.99

2461 Did you ask how old they were?

TA No I didn't

2461 Did you ask to see identification?

TA No

2461 Did you know that it is a criminal offence to serve someone under the age of 18 years with alcohol?

TA Yeah

2461 I am now reporting you on summons for this offence. You do not have to say anything but it may harm your defence if you do not mention now, something which you later rely on in court. Anything you do say may be given in evidence. Do you understand?

TA Yeah.

AYUB read and signed the contemporaneous note interview and signed. The interview concluded at 18:29 hours.

Signature: *[Handwritten Signature]* Signature Witnessed by: .....

Continuation of Statement of: Susan FOX

Page 4

AYUB was then offered to attend the test purchase failure course, to which is accepted and agreed to book on within ten days. AYUB was also explained that he would still be issued with a fixed penalty ticket and this would stand if he did not book on the course. AYUB accepted the ticket. The fixed penalty number was A00551244.

I returned to the station and booked the Lambrini into Hammerton Road Property Other than found.

After relevant checks after the operation, AYUB did attend the test purchase failure course.

Signature: *[Handwritten Signature]* Signature Witnessed by: .....

### WITNESS STATEMENT

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

URN 

--	--	--	--

Statement of Steven HEMSLEY .....

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: Police Constable 2461 .....

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 Steven Hemsley (witness) Date: 20.1.11

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

I am a Police Constable employed by the South Yorkshire Police, currently stationed at Hammerton Road Police Station, Sheffield.

On Friday 29 July 2011, I was on duty in plain clothes, working as part of a test purchase operation in conjunction with Police Constable 2461 Susan FOX who was in full police uniform.

The operation consisted of a volunteer youth being sent into licensed premises with instructions to purchase alcoholic beverages. My role was to follow the volunteer to the store to observe the interaction and any purchases made to check that the stores involved are complying with the licensing laws and not selling alcohol to children. These operations are run regularly, over the whole of the South Yorkshire Area. Police Constable 2461 Susan FOX runs one most months, ensuring that all licensed premises in the area are tested several times over the year on an equal basis. The shops are aware of this policing operation, and always receive feedback from the police, either during the operation if they fail, or shortly afterwards if they pass. Volunteers are selected on the basis that they look like their age, and we no longer use them when they are nearly 18 years old. The volunteer on this night was 17 years old.

Signature Steven Hemsley Signature Witnessed by: .....

Continuation of Statement of: Steven HEMSLEY

Page 2

At 18:08 hours, on Friday 29 July 2011, I followed the volunteer to the NISA store, Barber Road, Sheffield. There I stood at the entrance and observed her select a bottle of Lambrini valued at £1.99 from the shelf and place it on the counter. The shop assistant who I know to be Tahir AYUB date of birth 26/03/1992, asked the volunteer for payment and accepted the money offered, then handed the bottle to the volunteer and allowed the volunteer to leave. At no stage did AYUB ask for proof of age or ask the volunteer if she was old enough to buy alcohol. The volunteer was in the shop for around, one minute, and the volunteers and AYUB were the only people in the shop, other than myself and I was near the entrance. I observed the transaction from a couple of meters away and I had a clear unobstructed view throughout. There was ample overhead electric lighting in the store, and I could clearly hear everything that was said, and there was no background noise. I left the store and informed Police Constable 2461 Susan FOX what had happened.

I then returned to the store a few minutes later, in company with Police Constable 2461 Susan FOX. Whilst at the entrance I pointed out AYUB as the person responsible for selling alcohol to the youth.

Police Constable 2461 Susan FOX completed the paperwork. Police Constable 2461 Susan FOX booked the bottle of Lambrini into the Hammerton Road Police Station Other than found store.

Signature: *Steven Hemsley* Signature Witnessed by: .....

### RECORD OF INTERVIEW

#### Contemporaneous Notes

Person interviewed: Ffa Tahir AYUB  
Place of interview: NISA  
Barber Road

Police Exhibit No: SF/1  
Number of pages: 3  
*[Signature]*  
Signature of interviewing Officer producing exhibit

Date of interview: 29/7/11  
Time commenced: 1823  
Duration of interview:  
Interviewing Officer(s): PC2461 FOX  
Other persons present:

Time concluded: 1829  
Tape reference nos. (\*):

Tape counter times(*)	Person Speaking	Text
	2461	<p>This interview is recorded and may be given in evidence in a case brought to trial.</p> <p><b><u>I have been cautioned in the following terms:</u></b></p> <p><i>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></p> <p><b><u>I have been told that:</u></b></p> <p><i>I am not under arrest and am not obliged to remain with the officer(s) but that if I do I may obtain free and independent legal advice if I wish. I understand that the right to legal advice includes the right to speak with a solicitor on the telephone.</i></p> <p><i>This interview can be delayed until I have obtained legal advice.</i></p> <p><i>I do not wish to obtain legal advice at this time.</i></p> <p><i>I do not wish to speak with a solicitor on the telephone.</i></p> <p>Signed <i>[Signature]</i></p>

Signature(s) .....  
(Contemporaneous notes only)

\* Not relevant for contemporaneous notes

Person interviewed: Tahir Ayub Page No: .....

Tape counter times(*)	Person speaking	Text
		What is your name?
	Reply	<u>Tahir Ayub</u>
		What is your date of birth?
	Reply	<u>[REDACTED]</u>
		Where do you live?
	Reply	<u>Sheffield</u>
		Where do you work?
	Reply	<u>NISA Barber Road</u>
		What is your role there?
	Reply	<u>Sales Assistant</u>
		How long have you worked there?
	Reply	<u>2 years</u>
		The purpose of this interview is to discuss the circumstances under which you have just been observed by a police officer to serve a child under the age of 18 with alcohol / a bladed article / solvents /
	Reply	<u>Yeah</u>
		Do you remember serving the youth I'm referring to?
	Reply	<u>Yeah</u>
		What did they buy?
	Reply	<u>Lamborghini</u>
		How much did it cost?
	Reply	<u>1.99</u>
		Did you ask how old he / she was?
	Reply	<u>No I didn't</u>
		Did you ask to see some identification?
	Reply	<u>No</u>

Signature(s) .....  
(Contemporaneous notes only)

\* Not relevant for contemporaneous notes

Person interviewed: ..... Page No:.....

Tape counter times(*)	Person speaking	Text
		<p>Did you know that it is a criminal offence to serve someone under the age of 18 years with alcohol / a bladed article / solvents / ?</p> <p>Reply <u>Yes</u></p>
		<p>I am now reporting you on summons for this offence. You do not have to say anything, but it may harm your defence if you do not mention now, something which you later rely on in court. Anything you do say may be given in evidence.</p> <p>Reply <u>Yes</u></p>
		<p>I HAVE READ THE ABOVE NOTES AND DO NOT WISH TO ADD OR CLARIFY OF ITS CONTENT. I FULLY UNDERSTAND WHAT WAS SAID AND THESE NOTES REPRESENT A TRUE AND ACCURATE ACCOUNT.</p> <p>Signed <u>[Signature]</u></p>

Signature(s) .....  
(Contemporaneous notes only)

\* Not relevant for contemporaneous notes

(46)



South Yorkshire

**POLICE**

Rebwar Ismail  
135-137 Scott Road  
Sheffield  
S4 7BH

8 August 2011

Dear Rebwar Ismail

**UNLAWFUL SALE OF ALCOHOL TO A PERSON UNDER THE AGE OF 18 YEARS-  
NISA, 61-65 BARBER ROAD, SHEFFIELD, S10 1EA**

Our records show that you are the Premises Licence Holder for the Licensed Premises shown in the attached letter.

I bring to your attention the contents of that letter and ask you to give due consideration to its significance. You may wish to speak with the Designated Premises Manager of the premises

This letter is served upon you and acts as a formal record relating to this incident. The South Yorkshire Police Liquor Licensing Department has kept a record and will share this information with Sheffield City Council Trading Standards Department and the Sheffield Children's Safeguarder Unit.

This matter may be brought to the attention of the Magistrates and/or Sheffield City Council Licensing Authority at any time in the future. This incident may jeopardise your licence.

Yours Sincerely,

Lucy Adams-Licensing Clerk

Licensing Department  
Attercliffe Police Station  
60 Attercliffe Common  
Sheffield  
S9 2AD  
Tel: 0114 2523167  
Fax: 0114 2523688

0114 252 3294



WITNESS STATEMENT

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

URN [ ] [ ] [ ] [ ]

Statement of Susan FOX.....

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: Police Constable 2461 .....

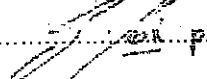
This statement (consisting of <sup>4</sup> page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature  P.2461 (witness) Date: 20.11.12.....

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

I am a Police Constable, employed by the South Yorkshire Police, currently stationed at Hammerton Road Police Station, Sheffield.

On Friday 18 November 2011, I was on duty in full police uniform in company with Police Constable 1265 Steven HEMSLEY who was in plain clothes. Also present was Lisa MARSDEN from Trading Standards. I was working as part of a test purchase operation. The operation consisted of two volunteer youths being sent into licensed premises with instructions to purchase alcoholic beverages. My role was to deal with any failures. Police Constable 1265 Steven HEMSLEY'S role was to follow the volunteer into the store to observe the interaction and any purchases made to check that the stores involved are complying with the licensing laws and not selling alcohol to children. These operations are run regularly, over the whole of the South Yorkshire Area. I run one most months, ensuring that all off licensed premises in the area are tested several times over the year and on an equal basis. The stores are aware of this policing operation, and always receive feedback from the police, either during the operation if they fail, or shortly afterwards if they pass. Volunteers are selected on the basis that they look like their age, and we no longer use them when they are nearly 18 years old. The volunteers on the night were both 15 years old and were given £20.00 in cash.

Signature:  P.2461 Signature witnessed by: .....

Continuation of Statement of: Susan FOX

At approximately 18:15 hours on Friday 18 November 2011, Police Constable 1265 Steven HEMSLEY followed the volunteers into the NISA Store, Barber Road, Sheffield. Police Constable 1265 Steven HEMSLEY then returned and told me that he had just witnessed a male who I now know to be Faisal AMWAR date of birth [REDACTED] serve one of the volunteers with alcohol, namely a bottle of cider to the value of £2.99. Police Constable 1265 Steven HEMSLEY told me that AMWAR did not ask for identification off either of the volunteers and did not ask them their age. Police Constable 1265 Steven HEMSLEY pointed out the male to me who had served the volunteers, I then went into the store with Lisa MARSDEN at 18:25 hours, and the following conversation then took place:

2461 My colleague has just witnessed you serving alcohol to two volunteers, a male and female under the age of 18. I will now interview you. The interview is being recorded and may be given in evidence if the case is brought to trial. You do not have to say anything. But it may harm you 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. You are not under arrest and you are not obliged to remain with the officers but that if you do you may obtain free and independent advice if you wish. You have the right to speak with a solicitor over the telephone. What is your full name please?

FA Faisal AMWAR

2461 What is your date of birth?

FA [REDACTED]

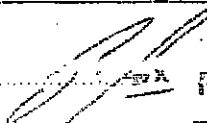
2461 Where do you live?

FA [REDACTED]

2461 Where do you work?

FA NISA Barber Road

2461 What is your role there?

Signature:  P. 2461 E 1 Signature Witnessed by: .....

Continuation of Statement of: Susan FOX

Page 3

FA Shop assistance

2461 How long have you worked there?

FA About four months

2461 The purpose of this interview is to discuss the circumstances under which you have just been observed by a police officer to serve a child under the age of 18 with alcohol.

FA No reply

2461 Do you remember serving the youths I am referring to?

FA Yeah

2461 What did they buy?

FA Cider

2461 How much did it cost?

FA £2.99

2461 Did you ask how old he was?

FA No

2461 Did you ask to see some identification?

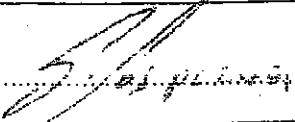
FA No

2461 Do you know that it is a criminal offence to serve someone under the age of 18 years with alcohol

FA Yes

2461 I am now reporting you on summons for this offence. You do not have to say anything, but it may harm your defence if you do not mention now, something which you later rely on in court. Anything you do say may be given in evidence.

FA Yes. I have read the above notes and do not wish to add or clarify its contents. I fully understand what was said and these notes represent a true and accurate account.

Signature: 

Signature Witnessed by: .....



RESTRICTED (when complete)

Continuation of Statement of: Susan FOX

AMWAR then signed the interview. The interview concluded at 18:20 hours.

I then handed back to AMWAR the bottle of Cider and he returned me the £2.99 that the volunteer had used to pay for the Cider. AMWAR signed my pocket note-book page 90 of book 164981.

Signature:

Signature Witnessed by

RESTRICTED (when complete)

### WITNESS STATEMENT

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

URN 

--	--	--	--

Statement of Steven HEMSLEY .....

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: Police Constable 2461 .....

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 SO [Signature] (witness) Date: 20.1.11

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

I am a Police Constable employed by the South Yorkshire Police, currently stationed at Hammerton Road Police Station, Sheffield.

On Friday 18 November 2011, I was on duty in plain clothes, working as part of a test purchase operation in conjunction with Police Constable 2461 Susan FOX who was in full police uniform. Also present was Lisa MARSDEN from Trading Standards.

The operation consisted of a volunteer youth being sent into licensed premises with instructions to purchase alcoholic beverages. My role was to follow the volunteer to the store to observe the interaction and any purchases made to check that the stores involved are complying with the licensing laws and not selling alcohol to children. These operations are run regularly, over the whole of the South Yorkshire Area. Police Constable 2461 Susan FOX runs on most months, ensuring that all licensed premises in the area are tested several times over the year on an equal basis. The shops are aware of this policing operation, and always receive feedback from the police, either during the operation if they fail, or shortly afterwards if they pass. Volunteers are selected on the basis that they look like their age, and we no longer use them when they are nearly 18 years old. The volunteers on this evening were 15 years old.

Signature: [Signature] Signature Witnessed by: .....

At approximately 18:15 hours, I followed the volunteer to the NISA store, Barber Road, Sheffield. There I stood in the entrance to the store and observed the male volunteer select a bottle of Cider valued at £2.99 from the shelf and place it on the counter. The shop assistance who I know to be Faisal AMWAR date of birth 04/06/88, asked the volunteer for payment and accepted the money offered, then handed the bottle of cider to the volunteer and allowed the volunteer to leave. At no stage did AMWAR ask for proof of age or ask the volunteer if he was old enough to buy alcohol. The volunteer was in the shop for a few minutes, and the volunteers and AMWARD and myself were the only persons present in the shop. I observed the transaction from a few metres away and I had a clear unobstructed view throughout. The overhead lighting was working in the store, and I could clearly hear everything that was said, and there was no background noise. I then left the store and informed Police Constable 2461 Susan FOX what had happened.

I then returned to the store a few minutes later, in company with Police Constable 2461 Susan FOX and Lisa MARSDEN from Trading Standards. Whilst at the entrance I pointed out AMWAR as the person responsible for selling alcohol to the youth.

Police Constable 2461 Susan FOX completed the paperwork and obtained a re-fund for the bottle of cider.

Signature: *Steven Hemsley*

Signature Witnessed by: .....

RECORD OF INTERVIEW

Contemporaneous Notes

Person interviewed: Faisal AMWAR.  
Place of interview: NISA, Barber Road  
Sheffield

Police Exhibit No: SF11  
Number of pages: 3  
Signature of interviewing Officer producing exhibit

Date of interview: 18/11/11  
Time commenced: 1823  
Duration of interview: 1870  
Interviewing Officer(s): PC2461 SUE PEA  
Other persons present: LISA MANSOUR

Time concluded:  
Tape reference nos (\*):

Tape counter times(*)	Person Speaking	Text
		<p>This interview is recorded and may be given in evidence if a case is brought to trial.</p> <p><b><u>I have been cautioned in the following terms:</u></b></p> <p><i>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></p> <p><b><u>I have been told that:</u></b></p> <p><i>I am not under arrest and am not obliged to remain with the officer(s) but that if I do I may obtain free and independent legal advice if I wish. I understand that the right to legal advice includes the right to speak with a solicitor on the telephone.</i></p> <p><i>This interview can be delayed until I have obtained legal advice.</i></p> <p><i>I do not wish to obtain legal advice at this time.</i></p> <p><i>I do not wish to speak with a solicitor on the telephone.</i></p> <p>Signed <i>F. Amwar</i></p>

Signature(s) *F. Amwar*  
(Contemporaneous notes only)

*PC2461 SUE PEA*  
\* Not relevant for contemporaneous notes

Person interviewed: ..... Page No: .....

Tape counter times(*)	Person speaking	Text
		What is your name?
	Reply	Tausat Amwar
		What is your date of birth?
	Reply	[REDACTED]
		Where do you live?
	Reply	[REDACTED]
		Where do you work?
	Reply	Msa, Barber Road
		What is your role there?
	Reply	Shop assistant
		How long have you worked there?
	Reply	about 4 months
		The purpose of this interview is to discuss the circumstances under which you have just been observed by a police officer to serve a child under the age of 18 with <u>alcohol</u> / a bladed article / solvents?
	Reply	
		Do you remember serving the youth I'm referring to?
	Reply	Yeah
		What did they buy?
	Reply	Cider
		How much did it cost?
	Reply	12.99
		Did you ask how old he / she was?
	Reply	NO
		Did you ask to see some identification?
	Reply	NO

Signature(s) .....  
(Contemporaneous notes only)

\* Not relevant for contemporaneous notes



55

Person interviewed: ..... Page No: .....

Tape counter times(*)	Person speaking	Text
		Did you know that it is a criminal offence to serve someone under the age of 18 years with alcohol / a bladed article / solvents / ?
	Reply	yes
		I am now reporting you on summons for this offence. You do not have to say anything, but it may harm your defence if you do not mention now, something which you later rely on in court. Anything you do say may be given in evidence.
	Reply	yes
		I HAVE READ THE ABOVE NOTES AND DO NOT WISH TO ADD OR CLARIFY OF ITS CONTENT. I FULLY UNDERSTAND WHAT WAS SAID AND THESE NOTES REPRESENT A TRUE AND ACCURATE ACCOUNT.
	Signed	<i>[Signature]</i>

*[Handwritten signature]*

Signature(s) .....  
(Contemporaneous notes only)

\* Not relevant for contemporaneous notes

**WITNESS STATEMENT**

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

URN 

--	--	--	--

Statement of STEVEN NEIL HEMSLEY .....

Age if under 18 Over 18 .... (if over 18 insert "over 18") Occupation: PC 1265 .....

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

Signature Steven Neil Hemsley ..... (witness) Date: 20.2.12 .....

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

Further to my previous statements, both dated the 20<sup>th</sup> January 2012 I now wish to clarify the following points. Both statements contain a minor clerical error.

I can confirm that the young volunteer on the test purchase operation dated the 7<sup>th</sup> April 2011 was in fact 17 years old, not 16 as previously stated.

I can also confirm that the young volunteers on the test purchase operation dated the 29<sup>th</sup> July 2011 were in fact 16 years old, not 17 as previously stated.

Signature: Steven Neil Hemsley ..... Signature Witnessed by: .....



**WITNESS STATEMENT**

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

URN 14KX/10093/12

Statement of SUSAN FOX

Age if under 18: Over 18

Occupation: POLICE CONSTABLE 2461

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature: SUSAN FOX *[Handwritten Signature]* PC2461

Date: 20/02/2012

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

I am a Police Constable employed by the South Yorkshire Police, currently stationed in the Safer Neighbourhood Team at Hammerton Road Police Station.

On Friday 17 February 2012, I was on duty in full police uniform, I was in company with Police Sergeant Lee KAIGHIN who was in plain clothes, also present was Andrea Marsden from South Yorkshire Police Licencing Department. I was working as part of a Test Purchasing Operation. The operation consisted of two volunteer youths being sent into licenced premises with instructions to purchase alcoholic beverages. My role was to deal with any failures. Police Sergeant Lee Kaighin's role was to follow the volunteer into the store to observe the interaction and any purchases made, to check that the stores involved are complying with the licencing law and not selling alcohol to children. These operations are run regularly, over the whole of the South Yorkshire Area. I run one most months, ensuring that all of the licenced premises in the area are tested several times over the year and on an equal basis. The stores are aware of this policing operation, and always receive feedback from the police, either during the operation if they fail, or shortly afterwards if they pass. Volunteers are selected on the basis that they look like their age, and we no longer use them when they are nearly 18 years old. The volunteers on the night were both 15 years old and were

Signature: PC2461 SUSAN FOX

*[Handwritten Signature]* PC2461

Signature Witnessed by: Police Constable 2461 Susan FOX



Continuation of Statement of: SUSAN FOX

Page 2

given £20.00 in cash to purchase alcohol.

At 17:30 hours, on Friday 17 February 2012, Police Sergeant 2301 Lee Kaighin followed the volunteers into the Nisa Store, Barber Road, Sheffield. Police Sergeant 2301 Lee Kaighin returned and told me that he had just witnessed a male serve one of the volunteers with alcohol, namely a bottle of Old English Cider, valued at £4.15. Police Sergeant Lee KAIGIN told me that the male who served the alcohol was the only person in the shop, other than the volunteers. I then went into the shop and approached a male who I now know to be Waris RAIS date of birth 26 May 1982. At 17:40 hours the following conversation then took place:

2461 I am Police Constable 2461 Susan FOX and this is Andrea Marsden from licencing. You have just sold this bottle of cider to someone under the age of 18 years old. I am going to interview you, and this interview is being recorded and may be given in evidence if a case is brought to trial. I am now going to caution you. 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. Do you understand?

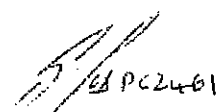
WR Yeah

2461 You are not under arrest and you are not obliged to remain here with me, but if you do you may obtain free and independent legal advice if you wish. The right to legal advice includes the right to speak with a solicitor in person or on the telephone, do you understand?

WR Yeah

2461 Do you wish to speak with a solicitor?

Signature: PC2461 SUSAN FOX



Signature Witnessed by:

WR No, im alright thanks

2461 I am going to ask you to sign to agree that I have explained your rights. If you agree can you sign in the space below

Waris RAIS signed in the box provided.

2461 What is your full name?

WR Asif RAIS

2461 What is your date of birth?

WR [REDACTED]

2461 What is your address?

WR [REDACTED]

I then conducted relevant checks on my blackberry mobile phone, and the photograph of Asif RAIS [REDACTED] was not the person I was interviewing. I then contacted Police Sergeant 2501 Lee Raighin to confirm this was the male that served the alcohol and I said to the male this is not you, I am going to ask you these questions again:

2461 What is your real name?

WR Waris RIAS

Signature: PC2461 SUSAN FOX

*[Handwritten Signature]*

Signature Witnessed by:

2461 What is your real date of birth?

WR [REDACTED]

2461 What is your real address?

WR [REDACTED]

Police Sergeant 2301 Lee KAIGIN then came to the store and pointed to Waris RAIS and said "THATS THE ONE WHO SERVED THEM".

2461 What is the name/address of your store?

WR Barber Road, Nisa

2461 What is your role within this store?

WR Helping out, mainly shelves helping stock up.

2461 How long have you worked here?

WR Few days, I don't work I just help out

2461 Who is your designated Premises Supervisor?

WR I don't know

2461 The purpose of this interview is to discuss the circumstances under which you have just been observed by a police officer serve a child under the age of 18 years old with alcohol. Do you understand?

WR Yeah

Signature: PC2461 SUSAN FOX

*[Handwritten Signature]*

Signature Witnessed by:

(61)

2461 Do you remember serving the youths I am referring to?

WR Yeah I served them

2461 What did the youths buy from your store?

WR Just that, Old English Cider.

2461 How much did it cost?

WR £4.15

2461 Did you ask how old he/she was?

WR No not really

2461 Did you ask for some identification?

WR No

2461 Did you know that it is a criminal offence to serve someone under the age of 18 years with alcohol?

WR I think so yeah

2461 I am now reporting you on summons for this offence. You do not have to say anything. But it may harm your defence if you do not mention now something which you later rely on in court.

Anything you do say may be given in evidence. Do you understand?

WR Yeah

Waris RAIS then signed with a correct signature to agree with the above.

Signature: PC2461 SUSAN FOX

*[Handwritten signature]*  
PC2461

Signature Witnessed by:

(62)

Continuation of Statement of: SUSAN FOX

Page 6

2461 I am now going to give you back the alcohol back what you sold the youths and ask for a refund for the price charged

Item: Old English Cider

Price: £4.15

Waris RAIS gave a refund and signed to agree, I also signed.

2461 I am now asking you to read the above notes. If you wish to add or clarify anything now, please let me know, if not can you sign to show that you fully understand what has been said, and that this is a true and accurate account of the conversation that has just taken place.

Waris RAIS signed to agree.

Signature: PC2461 SUSAN FOX

*PC 2461*

Signature Witnessed by:



**WITNESS STATEMENT**

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

URN 14KX/10093/12

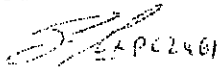
Statement of SUSAN FOX

Age if under 16:

Occupation: POLICE CONSTABLE 2461

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature: SUSAN FOX



Date: 20 12 12

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

In relation to my Statement dated 20 February 2012, I would like to add the following:

I would describe Waris RAIS as the following:

Male

Approximately 5'10" - 6ft in height

Large Build, in particular around the stomach area

Black spikey hair, no fringe

Black goatie beard with round face

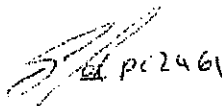
What appeared to be a scar/shaven left eyebrow

Asian

Wearing a navy blue fleece with "NISA" in white writing, with a yellow stripe across the top of

NISA. The fleece was zipped with the collar up and blue jeans.

Signature: PC2461 SUSAN FOX



Signature Witnessed by:

(64)



RESTRICTED

MG 11



Continuation of Statement of: SUSAN FOX

Page 2

I was with RAIS for around thirty minutes, I had a clear unobstructed view of RAIS. At the closest point I was arms length and at the furthest point when I initially walked into the store, I would say 6 to 10 feet away. The lighting in the store was in good working order.

Signature: PC2461 SUSAN FOX

Signature Witnessed by:



2010/11

RESTRICTED



65

RESTRICTED (when complete)

MG 11

### WITNESS STATEMENT

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

URN 14 KX 10093

Statement of Lee KAIGHIN .....

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: Police Sergeant 2301.....

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]* AS 2301 (witness) Date: 21/2/12

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

I am a Police Sergeant currently based at Hammerton Road Police Station, Hammerton Road, Sheffield for South Yorkshire Police.

On Friday 17 February 2012, I was on duty in plain clothes, working as part of a Test Purchase Operation in conjunction with Police Constable 2461 Susan FOX who was in full police uniform. Also present was Andrea MARSDEN from South Yorkshire Police Licensing.

The operation consisted of two volunteer youths aged 15 years old, being sent into licensed premises with instructions to purchase alcoholic beverages. My role was to follow the volunteer into the store to observe interception and any purchases made to check that the stores involved are complying with the licensing laws and not selling alcohol to children. These operations are run regularly by Police Constable 2461 Susan FOX, ensuring that all licensed premises in the area, are tested several times over the year and on an equal basis. The shops are aware of this policing operation, and always receive feedback from the police, either during the operation if they fail, or shortly afterwards if they pass. Volunteers are selected on the basis that they look like their age, and we no longer use them when they are nearly 18 years old. The volunteers on this evening were 15 years old.

Signature: *[Signature]* AS 2301 Signature Witnessed by: .....

RESTRICTED (when complete)

(b6)

RESTRICTED (when complete)

Continuation of Statement of: Lee KAIGHIN

At approximately 17:30 hours, I followed the volunteers into the NISA Store on Barber Road, Sheffield. There I stood in the entrance to the store and observed the male volunteer select a bottle of cider valued at £4.15 from the shelf and take it to the counter. The shop assistant, who I now know to be Waris RAIS, date of birth [REDACTED], asked for payment and accepted the money offered. At no stage did RAIS ask for proof of age or ask the volunteer for identification. The volunteer was in the shop for a couple of minutes, RAIS was the only person serving. I observed the transaction from about five metres away and I had a clear unobstructed view throughout. The volunteers then left the store with the bottle of cider, and I followed them. I then told Police Constable 2461 Susan FOX what had happened. I told Police Constable 2461 Susan FOX that the male who served the volunteers was:

Asian

Stocky/large build

Black Spiked hair, with a goatie styled beard

Wearing a blue fleece.

A few minutes after Police Constable 2461, Susan FOX contacted me and asked me to return to the store. I walked into the NISA store and said to her THATS THE ONE WHO SERVED THEM I was pointing at Waris RAIS. Police Constable 2461 Susan FOX told me that Waris RAIS had given her the incorrect details and continued interviewing him once I had pointed him out. I then left and returned to the test purchase volunteers.

Signature: Lee Kaighin 25/2/01 ..... Signature Witnessed by: .....

RESTRICTED (when complete)

RECORD OF INTERVIEW

Contemporaneous Notes *Wans*

URN

*14 kx 10093/12*

Person interviewed: *ASTA RAIS*

Police Exhibit No:

*SF 11*

Place of interview: *Nisa Barber*

*Road, Sheffield*

*[Signature]*

Signature of interviewer producing exhibit

Date of interview: *17/12/12*

Time commenced: *17.40* Time concluded: *18.00* Duration of interview: *20*

DVD reference nos.: ..... Visual image reference nos.: .....

Interviewer(s): *PC2461 Fax*

Other persons present: *Andrea MARSDEN*

Disc Counter times	Person Speaking	Text
	<i>2461</i>	This interview is being recorded and may be given in evidence if a case is brought to trial.
	<i>2461</i>	I am now going to caution you: 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. Do you understand?
	<i>AR WR</i>	<i>Yeah</i>
	<i>2461</i>	You are not under arrest and you are not obliged to remain here with the officer(s) but if you do you may obtain free and independent legal advice if you wish. The right to legal advice includes the right to speak with a solicitor in person or on the telephone. Do you understand?
	<i>WR AR</i>	<i>Yeah</i>
	<i>2461</i>	Do you wish to speak with a Solicitor?

Signature(s): *[Signature]*

(68)

RESTRICTED (when complete)

MG 15c

Person Interviewed: Wanis RAIS URN 1462 10093/12

Disc Counter times	Person Speaking	Text
	AR	No, I don't sign (blank)
		I am going to ask you to sign to agree that I have explained your rights. If you agree can you sign in the space below.
		Signed <u>[Signature]</u> Dated <u>11-2-12</u>
	2461	What is your full name? <u>What is your real name?</u>
	WR AR	<u>ASIF RAIS</u> <u>WANIS RAIS</u>
	2461	What is your date of birth? <u>What is your real D.O.B?</u>
	WR AR	[Redacted]
	2461	What is your address? <u>What is your real address?</u>
	WR AR	[Redacted]
	2461	What is the name/address of your store?
	WR AR	<u>Barber Road N159</u>
	2461	What is your role within this store?
	AR	<u>Helping out, mainly shelves</u> <u>Helps stock up</u>
	2461	How long have you worked for it?
	RA	<u>Few days I don't work I help out</u>
	2461	Who is your Designated Premises Supervisor?
	RA	<u>I don't know</u> ( <u>Zak AR MALOOK</u> )
	2461	The purpose of this interview is to discuss the circumstance under which you have just been observed by a police officer serve a child under the age of 18 years old with <u>alcohol</u> /a bladed article/solvents/cigarettes. Do you understand?
	WR	<u>Yeah</u>
	WR	Do you remember serving the youth/youths I am referring to?

Signature(s): [Signature]

RESTRICTED (when complete)

(69)

**RESTRICTED (when complete)**

MG 15c

Person Interviewed: Watts RAL URN 1467 10093 112

Disc Counter times	Person Speaking	Text
	WR	Thank you very much
	2461 WR	What did the youth/youths buy from your store? Jose that old English cider?
	2461 WR	How much did this cost? 6415
	2461 WR	Did you ask how old he/she was? No not really
	2461 WR	Did you ask to see some identification? No
	2461	Did you know that it is a criminal offence to serve someone under the age of 18 years with alcohol/a bladed article/solvents/cigarettes? I think so yeah
		OFFICER DELETE AS APPROPRIATE
		I am now offering you the option to attend the Test Purchase Failure Course (explain what this is). I will also issue you with a £80.00 fixed penalty notice that will stand if you do not book on the course within 10 days as explained. (Procedure explained) Signed: ..... Dated .....  Signed (Officer) .....
		I am now going to issue you with a £80.00 fixed penalty notice that you have to pay within 21 days of the date of issue, you must ever pay this penalty or ask that this matter be dealt with in court. (Procedure explained) Signed ..... Dated .....  Signed (Officer) .....
	2461	I am now reporting you on summons for this offence. You do not have to say anything. But it may harm your defence if you do not mention when questioned <sup>now</sup>

Signature(s): Watts RAL

**RESTRICTED (when complete)**

70

Person Interviewed: Wans BALS URN 1467 10093/12

Disc Counter times	Person Speaking	Text
		<p>something which you later rely on in court. Anything you do say may be given in evidence. Do you understand? <u>yes</u></p> <p>Signed <u>Wans</u> Dated <u>17/3/08</u></p> <p>Signed (Officer) <u>[Signature]</u></p>
	<u>2461</u>	<p>I am now going to give you back the alcohol back what you sold the youth/youths and ask for a refund for the price charged:</p> <p>Item <u>Old English Cider 3 litre</u></p> <p>Price <u>£4.15</u></p> <p>Refund given to officer: Signed (Offender) <u>Wans</u></p> <p>Signed (Officer) <u>[Signature]</u></p>
	<u>2461</u>	<p>I am now aksing you to read the above notes. If you wish to add or clarify anything now, please let me know, if not can you sign to show that you fully understand what has been said, and that this is a true and accurante account of the conversation that has just taken place.</p> <p>Signed <u>Wans</u></p>

Signature(s): Wans





71

# 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 <i>[delete as appropriate]</i> giving this closure notice	
Superintendent Martin Hemingway	
2. Name of the police, community support or trading standards officer <i>[delete as appropriate]</i> serving this closure notice. <i>(A closure notice may be served by being handed to a person on the premises who appears to have control of or responsibility for the premises and who need not be the premises licence holder)</i>	
PC Susan Fox	
3. Date on which closure notice is given	29 02 2012

3. Date on which closure premises licence holder(s)	
4. Address of premises in respect of which this notice is being given	Nisa Supermarket, 61-65 Barber Road, Sheffield, S10 1EA
5. Premises Licence Reference number and issuing authority	SY 1784 PR - Sheffield City Council
6. Name of premises licence holder(s)	S & H Corporation
7. Address of premises licence holder(s). <i>(This is the address to which a copy of this closure notice will be sent)</i>	61-65 Barber Road, Sheffield, S10 1EA

8. Particulars of alleged offence under section 147A of the Licensing Act 2003, including:	
<ul style="list-style-type: none"> <li>• Particulars of unlawful sales made to persons under 18;</li> <li>• Dates of the sales; and</li> <li>• The individuals making the sales (so far as known).</li> </ul>	
(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	18 <sup>th</sup> November 2011 - Sale of one bottle of Cider (alcohol) at a cost of £2.99 made by staff

Sale:	Dealt with by Fixed Penalty Ticket number A 0064651 2
Second unlawful sale:	17 <sup>th</sup> February 2012 – One bottle of cider (alcohol) at a cost of £4.15 made by staff member Waris RAID. Dealt with by Report on Summons.
Third unlawful sale:	N/A

<b>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):</b>			
From	Time: 07:00hrs	To	Time: 07:00hrs
	Date: 20 <sup>th</sup> April 2012		Date: 22 <sup>nd</sup> April 2012

**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 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 holders 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 Starkey

c/o South Yorkshire Police Licensing

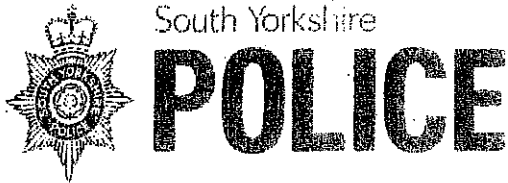
The address of the officer in part 14

60 Attercliffe Common, Sheffield, S9 2AD

E-mail address and telephone number of the officer in part 14

Sheffield\_licensing@southyorks.pnn.police.uk

0114 2523617



Mr Tahir Ayub  
61-65 Barber Road  
Sheffield  
S10 1EA

Date: 5<sup>th</sup> March 2012

Dear Sir

**Re: NISA – 61-65 Barber Road, Sheffield S10 1EA**

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

On the 18th November 2011 and 17<sup>th</sup> February 2012 a Police operation relating to the sale of intoxicants to under- aged persons took place in various districts of Sheffield. The above premises were 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 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 Zakar Malook at the premise on 20<sup>th</sup> February 2012. 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. Mr Malook advised that he would be referring the paperwork to you.

If we do not hear from you within 14 days from 29<sup>th</sup> February 2012 we will assume that you have chosen to go to go to trial.

If you have any queries regarding this letter please contact the Licensing Department on 0114 2523617

Yours faithfully,

WITNESS STATEMENT

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

URN [ ] [ ] [ ] [ ] [ ]

Statement of Susan FOX.....

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: Police Constable 2461.....

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature [Signature] (witness) Date: 6/3/12

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

I am a Police Constable employed by the South Yorkshire Police currently stationed at Hammerton Road Police Station in Sheffield.

On Wednesday 29 February 2012, I was on duty in full police uniform. I was in company with Police Constable 1265 Steven HEMSLEY.

At 19:15 hours, I attended at NISA on Barber Road Sheffield, and met a male I now know to be Zakar MALOOK date of birth 5/9/89 who is the DPS for this store. I handed to MALOOK the 48-hour closure notice paperwork, which MALOOK did not sign, as he wanted to speak to the owner about this. I informed him that he had 14 days to reply to this letter. MALOOK signed my pocket note book to agree to this and also informed me that S & H Corporation are no longer the premises licence holders, and that the licence holder is NISA Supermarket.

I explained to MALOOK that they have had several test purchase failures and the last one being Waris RAIS on Friday 17 February 2012. I asked MALOOK if RAIS was on the designated list to serve alcohol in this store, to which MALOOK replied "NO". I advised MALOOK that this list should be corrected immediately.

Signature: [Signature] Signature Witnessed by:.....

(75)



REGISTERED

104/81

BOOK NUMBER

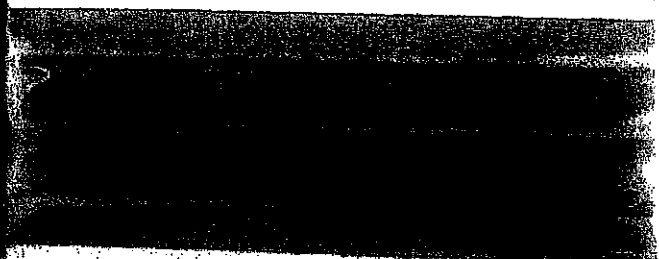
NEW YORK

POLICE

South Yorkshire



REGISTERED



104/81

REGISTERED



76

Reference

Saturday  
APC

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Wednesday 29 Feb 2017  
[Redacted]

[Redacted]

[Redacted]

Time and Reference

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

1500  
DPS NINA Darberkadi  
T915 Zakar MNI 00k [Redacted]  
pc Fox has been  
in me the [Redacted]

77

(M)

Time and Reference

I & Law minute  
 notice and I know  
 have the company  
 SHI Corporation  
 no longer the owner  
 of the company  
 SHI TIBER (name)  
 number  
 21

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

Time and Reference

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]



78

## THE LICENSING ACT 2003

Premises Licence No: SY 1784 PR

ISSUE NO: 3

The Sheffield City Council being the Licensing Authority under the above Act, hereby grant this licence in accordance with the requirements of the Licensing Act 2003 in respect of and subject to the conditions attached:

### PART 1 – Premises details

Nisa Supermarket  
61-65 Barber Road  
Sheffield  
S10 1EA

Telephone Number: 0114 2670269

**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	07:00 to 01:00 hours the following day
Monday	07:00 to 01:00 hours the following day
Tuesday	07:00 to 01:00 hours the following day
Wednesday	07:00 to 01:00 hours the following day
Thursday	07:00 to 01:00 hours the following day
Friday	07:00 to 01:00 hours the following day
Saturday	07:00 to 01:00 hours the following day

#### The opening hours of the premises are

Sunday	07:00 to 01:15 hours the following day
Monday	07:00 to 01:15 hours the following day
Tuesday	07:00 to 01:15 hours the following day
Wednesday	07:00 to 01:15 hours the following day
Thursday	07:00 to 01:15 hours the following day
Friday	07:00 to 01:15 hours the following day
Saturday	07:00 to 01:15 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 off 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:**

Mr Tahir Ayub  
61-65 Barber Road  
Sheffield  
S10 1EA

**Telephone Number:** 0114 2670264

**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:**

Mr Zakar Ali Malook  
66 Osgathorpe Road  
Sheffield  
S4 7AR

**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 3375 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 29<sup>th</sup> August 2011.

Issued on: 11<sup>th</sup> September 2008.

*Steve Lonnia*

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

<b>Sheffield City Council – For Office use only</b>		
Variation of Premises Licence	0	
Variation of DPS	1	16 August 2011
Transfer of Premises Licence	2	3 November 2011
Minor Variation	0	

**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 6<sup>th</sup> April 2010:

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

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or 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. Any new floor surfaces in public areas shall have a suitable non-slip finish.
2. Shelving and display units for the purposes of displaying alcohol must be of suitable design, construction and adequately secured.
3. A satisfactory electrical certificate shall be provided for the premises.
4. The varied premises licence shall not become effective until the Health Protection Service have inspected the premises with regard to the shelving and any new floor surfaces to ensure that these items have been appropriately addressed in respect of service requirements.
5. To comply with the requirements of South Yorkshire Fire and Rescue Service.
6. Any existing CCTV will be maintained in working order, and operated when the premises are trading internally and externally. Images recorded will be available to the Police on request.
7. The Challenge 21 Scheme will be adopted at all times the premises are trading.
8. The Designated Premises Supervisor will be a member of the local licence watch, regular attendance will be maintained.
9. Fire and Health and Safety risk assessments are to be maintained.
10. Access for the disabled will be provided.
11. The Designated Premises Supervisor, or some such other person, will be assigned to act as lead safeguarder for children's issues at the premises. This member of staff would be expected to know what to do and who to contact if safeguarding concerns arise and bears no responsibility for the direct supervision of children.

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

Annex 4 – Plans

Nisa  
24/7/08



87

# APPENDIX C

**Ruston Andy (CEX)**

---

**From:** Licensing(General)  
**Sent:** 16 April 2012 17:14  
**To:** Bower Claire; Ruston Andy (CEX)  
**Subject:** FW: APPLICATION FOR A LICENCE REVIEW: NISA, 61 - 65 BARBER ROAD, SHEFFIELD S10 1EA

**Importance:** High

**Attachments:** Nisa Barber Road Rep and Appendix 1.pdf

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

**From:** Hague Julie  
**Sent:** 16 April 2012 17:03  
**To:** Licensing(General)  
**Subject:** APPLICATION FOR A LICENCE REVIEW: NISA, 61 - 65 BARBER ROAD, SHEFFIELD S10 1EA  
**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.



Nisa Barber Road  
Rep and Appen...

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 Sub Committee.

Thank you.

Julie Hague  
Licensing Project Manager  
Sheffield Safeguarding Children Board

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



16<sup>th</sup> April 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 2736753  
Email: [Julie.hague@sheffield.gov.uk](mailto:Julie.hague@sheffield.gov.uk)  
Fax: 0114 2734628

Dear Sirs

**APPLICATION TO REVIEW A PREMISES LICENCE – NISA SUPERMARKET, 61 – 65  
BARBER ROAD, SHEFFIELD S10 1EA**

The above documentation has been provided to the Sheffield Safeguarding Children Board (SSCB Licensing Project) as the Responsible Authority for the Protection of Children from Harm 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 a licence condition has not been complied with (Annex 2, condition 11 of the premises licence) and that the premises management has failed to demonstrate due diligence in relation to the protection of children from harm on the following grounds.

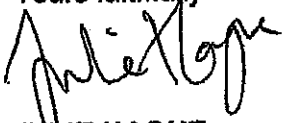
1. The evidence submitted by South Yorkshire Police demonstrates that the premises has a history of failed test purchase operations whilst under various management, resulting in underage sales of alcohol. I note that of the 4 failed test purchase operations within the past 12 months, Mr Tahir Ayub has been responsible for personally making one underage sale of alcohol (on 29.7.11) and that two further underage sales (occurring on 18.11.11 and 17.2.12) have taken place at the premises since Mr Ayub became the premises licence holder.

The Safeguarding Children Board takes a serious view of premises that fail to protect children from the risks associated with underage sales of alcohol. In line with the Licensing Authority approved Joint Agency Test Purchase Strategy, which is an agreed process for assisting premises to improve their operation, the Safeguarding Children Board has offered the various premises management free training to improve the child protection systems at the premises, including 2 offers to the current premises licence holder Mr Ayub, to provide multi agency assistance with the prevention of underage sales. (Documents at Appendix 1 to this letter refer.) On 9.12.11 an offer of free training was made to Mr Ayub, who failed to attend the free training on 1.2.12. However in that letter of 9.12.11 written advice was provided to assist with the operation, including staff training, training records and a children's risk assessment. Despite this, the premises failed another test purchase operation on 17.2.12. In line with the multi agency procedure, another training offer was issued to Mr Ayub on 7.3.12 (Appendix 1 refers). Mr Ayub contacted the Safeguarding Children Board on 16.4.12 in response to confirm that he would attend the training on 18.4.12; Mr Ayub also requested a reissue the offer letter of 7.3.12 which he stated he had lost. I therefore reissued the letter by email (Appendix 1 refers).

2. On 24.1.12 the Safeguarding Children Board was informed by Ms Marsden of the Council's Trading Standards Service, that following inspections at the premises on 14.10.11 and 2/11/11, a quantity of counterfeit alcohol was seized. I have received training provided by the Council's Trading Standards officers in relation to the health risks associated with bogus alcohol and am concerned that, in the absence of a robust age verification scheme and staff training, children and young people are at risk of the harm associated with underage drinking and consuming bogus alcohol substances.
  
3. In relation to compliance with the licence condition at Annex 2, item 11, I am concerned that despite this condition being in place to ensure that safeguarding issues are prioritised and that an appropriate response is provided, management has failed to demonstrate due diligence for the protection of children from harm.

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**

Appendix 1



9<sup>th</sup> December 2011

S + H Corporation Limited  
61 – 65 Barber Road  
Crookes  
Sheffield  
S10 1EA

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](mailto: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**

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):

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

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

**TO SECURE A PLACE PLEASE CONFIRM BY 25<sup>TH</sup> 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



7.3.12

S + H Corporation Limited  
61 – 65 Barber Road  
Crookes  
Sheffield S10 1EA

Address correspondence to:

Julie Hague  
Sheffield Safeguarding Children Board  
- Licensing Project  
Floor 2  
Redvers House  
Union Street  
Sheffield S1 2JQ  
Telephone: 0114 2736753  
Email: [Julie.hague@sheffield.gov.uk](mailto:Julie.hague@sheffield.gov.uk)  
Fax: 0114 2734828

Dear Sirs

**THE PROTECTION OF CHILDREN AT LICENSED PREMISES - LICENSING ACT 2003  
OFFER OF FREE STAFF TRAINING: NISA, 61 – 65 BARBER ROAD, SHEFFIELD S10 1EA**

I am writing to confirm that a place has been reserved for the Designated Premises Supervisor, 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: 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](mailto:info@validateuk.co.uk) to assist customers who do not have other types of acceptable identification.

**TO SECURE A PLACE PLEASE CONFIRM BY 25<sup>TH</sup> MARCH. 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

**Hague Julie**

---

**From:** Hague Julie  
**Sent:** 16 April 2012 10:32  
**To:** 'tahirnisa@hotmail.co.uk'  
**Subject:** Training Session on 18.4.12 - Confirmation of your place and further details

**Attachments:** nisa barber rd 2 by email.doc



nisa barber rd 2 by  
email.doc ...

Dear Tahir,

Further to our telephone conversation this morning, please find attached the letter regarding this week's training session. I am sorry that you have misplaced the original letter. As discussed, a place has been reserved for you and I look forward to seeing you on the 18th April.

Regards,

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

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



16.4.12

S + H Corporation Limited  
61 – 65 Barber Road  
Crookes  
Sheffield S10 1EA

Address correspondence to:

Julie Hague  
Sheffield Safeguarding Children Board  
- Licensing Project  
Floor 2  
Redvers House  
Union Street  
Sheffield S1 2JQ  
Telephone: 0114 2736753  
Email: [Julie.hague@sheffield.gov.uk](mailto:Julie.hague@sheffield.gov.uk)  
Fax: 0114 2734626

**FAO Mr Tahir Ayub BY EMAIL**

Dear Sirs

**THE PROTECTION OF CHILDREN AT LICENSED PREMISES - LICENSING ACT 2003  
OFFER OF FREE STAFF TRAINING: NISA. 61 – 65 BARBER ROAD, SHEFFIELD S10 1EA**

Further to our telephone conversation this morning I confirm 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:

**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](mailto:info@validateuk.co.uk) to assist customers who do not have other types of acceptable identification.

**PLEASE NOTE THAT 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



# APPENDIX D

(96)

**Ruston Andy (CEX)**

---

**From:** Bower Claire  
**Sent:** 16 April 2012 10:39  
**To:** Ruston Andy (CEX)  
**Subject:** FW: RE:Licensing Review-Nisa , 61-65 Barber Road

---

**From:** Fisher Craig  
**Sent:** 16 April 2012 10:35  
**To:** Licensing(General); Bower Claire  
**Subject:** RE:Licensing Review-Nisa , 61-65 Barber Road

My name is Craig Fisher and I am a Senior Trading Standards Officer employed by Sheffield City Council.

I am an authorised officer under the Trade Marks Act 1994, Food Safety Act 1990 and the Consumer Protection from Unfair Trading Regulations 2008.

On 31/3/2009 I was present on a test purchase operation when a volunteer aged 15 was successful in buying 10 cigarettes from Nisa, 61-65 Barber Road. The seller was Mohammad Nazhady and the owner was Rebwar Ismail. The seller and owner were interviewed under caution and they both signed cautions in May 2009.

On 18/10/2010 I inspected the premises at Barber Road accompanied by Lisa Marsden (Enforcement Officer) On that occasion we seized 27 x 70cl bottles of Glens Vodka. The Vodka was seized on the grounds that the duty stamp did not fluoresce and I suspected it may be counterfeit. On further examination it was found that the product was genuine Glen's Vodka, but had a fake rear label attached. This indicated the product had been duty diverted and had no legitimate market in the UK. The company details were given as S & H Corporation, with the Director given as Ismail Rebwar.. Before further action was completed the ownership of the company trading at 61-65 Barber Road had changed.

On 14/10/2011 a complaint was received that Nisa Barber Road had supplied to a student which had made them ill. Later that same day I visited Nisa, 61-65 Barber Road, Sheffield accompanied by Kevin Woods(Enforcement Officer). On that occasion we seized 2 x 70cl Smirnoff Vodka(from the gantry), 1 x 1 litre open bottle of Prince Consort Vodka(from behind the counter) and 4 x 75cl Jacobs Creek Wine( from the shelf). All the products were suspected as being counterfeit. In the store room we found a further 12 bottles of Jacobs Creek wine which were also suspected as being counterfeit and were seized.

\* The only director of S & H Corporation was FAISAL ANWAR d.o.b. 04/06/1988

\* The only shareholder was ZAKAR MALOOK d.o.b. 5/9/1989

Samples of the products were sent to the Public Analyst and he reported the Jacobs Creek wine was infact counterfeit.

Due to the small quantity of Vodka found they were not tested, however information provided by the Trade Mark holder(Diageo Ltd) confirmed our suspicion the Smirnoff was counterfeit. The Prince Consort Vodka had a duty stamp incorrectly indicating the product was Whisky.

**Legal proceedings are pending in relation to these offences**

2 further complaints were received on 17/10/10 indicating the complainants had purchased Drop Vodka from the same premises. Drop Vodka is a known bogus product which has been found to contain industrial contaminants.

On 2/11/2011 a visit was made to Nisa Barber Road by Kevin Woods and Lisa Marsden. On this occasion 26 bottles of suspect alcohol were seized. (Blossom Hill wine and Red Star Vodka, Smirnoff Vodka) These products were sampled and sent to the public Analyst for testing. The results confirmed the wine was counterfeit and the Vodka was industrial alcohol which had contaminants xylene and toluene in it.

The Red Star Vodka had a very poor copy of a duty stamp with the number A70000000170, which is the number allocated to Diageo Ltd. Red Star vodka is not a product manufactured or imported by Diageo Ltd. There was also no Name and address on the bottle or Lot number. These are requirements of the Food Labelling Regulations 1996.

**Legal proceedings are pending in relation to these offences**

# APPENDIX E

99



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

Mr Tahir Ayub  
61-65 Barber Road  
Sheffield  
S10 1EA.

The Sheffield City Council being the licensing authority, on the **19 March 2012** received an application in respect of the premises known as **Nisa Supermarket, 61-65 Barber Road, Sheffield, S10 1EA.**

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

- Sheffield Safeguarding Children Board
- Trading Standards

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **15 May 2012 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 27/4/12

Signed: 

The officer appointed for this purpose  
Licensing Officer, Place Portfolio

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



**Notice of hearing of representations  
in respect of the following application:  
LA03 REVIEW of a Premises Licence.**

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

The Sheffield City Council being the licensing authority, on the **19 March 2012** received an application in respect of the premises known as **Nisa Supermarket, 61-65 Barber Road, Sheffield, S10 1EA.**

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

- Sheffield Safeguarding Children Board
- Trading Standards

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **15 May 2012 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 27/4/12

Signed: 

The officer appointed for this purpose  
Licensing Officer, Development Services

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



**Notice of hearing of representations  
in respect of the following application:  
LA03 REVIEW of a Premises Licence.**

Julie Hague  
Sheffield Safeguarding Children Board  
Licensing Project  
Floor 1  
Redvers House  
Sheffield  
S1 2JQ.

The Sheffield City Council being the licensing authority, on the **19 March 2012** received an application in respect of the premises known as **Nisa Supermarket, 61-65 Barber Road, Sheffield, S10 1EA.**

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

- Sheffield Safeguarding Children Board
- Trading Standards

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **15 May 2012 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 27/4/12

Signed: 

The officer appointed for this purpose  
Licensing Officer, Development Services



**Notice of hearing of representations  
in respect of the following application:  
LA03 REVIEW of a Premises Licence.**

Craig Fisher  
Trading Standards  
20-10 Carbrook Hall Road.

The Sheffield City Council being the licensing authority, on the **19 March 2012** received an application in respect of the premises known as **Nisa Supermarket, 61-65 Barber Road, Sheffield, S10 1EA.**

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

- Sheffield Safeguarding Children Board
- Trading Standards

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **15 May 2012 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 27/4/12

Signed:

The officer appointed for this purpose  
Licensing Officer, Development Services

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



# APPENDIX F



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

Mr Tahir Ayub  
61-65 Barber Road  
Sheffield  
S10 1EA.

The Sheffield City Council being the licensing authority, on the **19 March 2012** received an application in respect of the premises known as **Nisa Supermarket, 61-65 Barber Road, Sheffield, S10 1EA.**

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

- Sheffield Safeguarding Children Board
- Trading Standards

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **15 May 2012 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 27/4/12

Signed: 

The officer appointed for this purpose  
Licensing Officer, Place Portfolio

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

**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.

(106)

**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.

**LICENSING ACT 2003**

(107)

Premises: Nisa Supermarket  
Type of App: LA03\_REVIEW of a Premises Lic / Club Prem Cert  
Hearing Date: 15 May 2012

Form LAR 1  
Regulation 8

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

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

I **Mr Tahir Ayub**

Of **61-65 Barber Road  
Sheffield  
S10 1EA.**

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 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.

Dated: ..... Signed.....

**Please see Regulation 8 overleaf**

Please complete this form and return it to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.



**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.