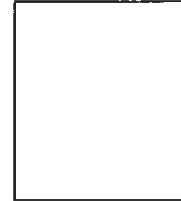




SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 2nd October 2014

Subject: Licensing Act 2003
Application for the Review of a Premises Licence

Author of Report: Claire Bower – 2734264

Summary: To consider an application for the review of a premises licence submitted by South Yorkshire Police

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

Background Papers: Attached documents

Category of Report: OPEN

LICENSING ACT 2003

Review of Premises Licence

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

1.0 PURPOSE OF REPORT

- 1.1 To consider an application for the review of a premises licence made under Section 51 of the Licensing Act 2003 in relation to The Timbertop, 334 Shirecliffe Road, Sheffield, S5 8XD.

2.0 THE APPLICATION

- 2.1 The application is made by South Yorkshire Police and was received by the Licensing Service on 18th August 2014.
- 2.2 The grounds for the review are based on the following aspects of the 2003 Licensing Act objectives:-
- Prevention of Crime and Disorder
Public Safety
Prevention of Public Nuisance
- 2.3 The application form is attached at Appendix 'A' and details further the grounds for the review application.

3.0 REASONS FOR REFERRAL

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The Licensing Authority must under the Act refer any application for review to the Licensing Committee, unless it is withdrawn, or if representations are made by an interested party that the Licensing Authority are of the opinion that they are frivolous or vexatious.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

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific financial implications arising from this application. However additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be

possible to recover all these costs. The impact of these additional costs (if any) will be kept under review and may be subject of a further report during the year.

5.0 THE LEGAL POSITION

5.1 The Licensing Act 2003 at section 52(3) requires that the Licensing Authority must, having regard to the application and any relevant representations, take such steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

5.2 Section 52(4) states:

“The steps are –

- a) To modify the conditions of the licence;
- b) To exclude the licensable activity from the scope of the licence;
- c) To remove the designated premises supervisor;
- d) To suspend the licence for a period not exceeding three months;
- e) To revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted, or any new condition added.”

5.3 If members decide to take the steps referred to in (a) or (b) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

5.4 The Licensing Act 2003 at section 52(11) states that:

“A determination under this section does not have effect –

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

5.5 The Licensing Act 2003 at section 4(1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as: -

- a) the prevention of crime and disorder,
- b) public safety,
- c) the prevention of public nuisance,
- d) the protection of children from harm.

5.6 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published Statement of Licensing Policy and any guidance issued by the Secretary of State under Section 182.

6.0 HEARINGS REGULATIONS

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

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

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

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

7.0 APPEALS

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

8.0 RECOMMENDATIONS

8.1 That members carefully consider the application for review along with any other representations made and take such steps as detailed in paragraph 5.2 above that the Committee consider necessary for the promotion of the Licensing Objectives.

9.0 OPTIONS OPEN TO THE COMMITTEE

- 9.1
- a) modify the conditions of the licence;
 - b) exclude a licensable activity from the scope of the licence;
 - c) remove the designated premises supervisor;
 - d) suspend the licence for a period not exceeding three months;
 - e) revoke the licence; or
 - f) reject the application for review.

Steve Lonnia

Steve Lonnia,
Chief Licensing Officer, Head of Licensing
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot
Sheffield
S9 3HD.



Sheffield City Council
Licensing Department
230 Staniforth Road
Sheffield
S9 3FS

Date: 18th August 2014


Dear Sir / Madam,

Re: Licensing Review – Timbertops, Shirecliffe Road, Sheffield, S5 8XH

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. An electronic copy was sent to your department on the 18th August 2014

The papers have also been served upon other Responsible Authorities and the Premise Licence Holder.

Yours Sincerely



B Mumby
South Yorkshire Police Licensing Team
Attercliffe Police station
60 Attercliffe Common
Sheffield
S9 2AD.

Tel – (0114) 2523308

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

Premise Licence Holder – Debel Leisure Ltd

Designated Premises Supervisor – Mr Enoch MUSHAKWA

INDEX TO BUNDLE OF DOCUMENTS

Compiled on 14th August 2014

	DOCUMENT
	Application for Review (S51) dated 14 th August 2014
	Chronology
	Statement of Police Sergeant 1274 CHARLESWORTH dtd 13/08/14
	Statement of Police Seargeant 394 Dean Furniss dtd 11/08/14
	Copy of email, from Mr Ulcena, to PS Charlesworth, re employment of door staff.
	Photos – BM1, BM2 and BM3
	Copy of Premise Licence (issue no 11)

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 Benita Mumby (for and on behalf of the Chief Constable, South Yorkshire Police)
(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

Name of premises licence holder or club holding club premises certificate (if known) Debel Leisure Ltd
--

Number of premises licence or club premises certificate (if known) SY 0295 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

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address South Yorkshire Police Liquor Licensing Dept Attercliffe Police Station 60 Attercliffe Common Sheffield S9 2AD
Telephone number (if any) 0114 2523617
E-mail address (optional)

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

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

Prevention of Crime & Disorder
Public Safety
Prevention of Public Nuisance

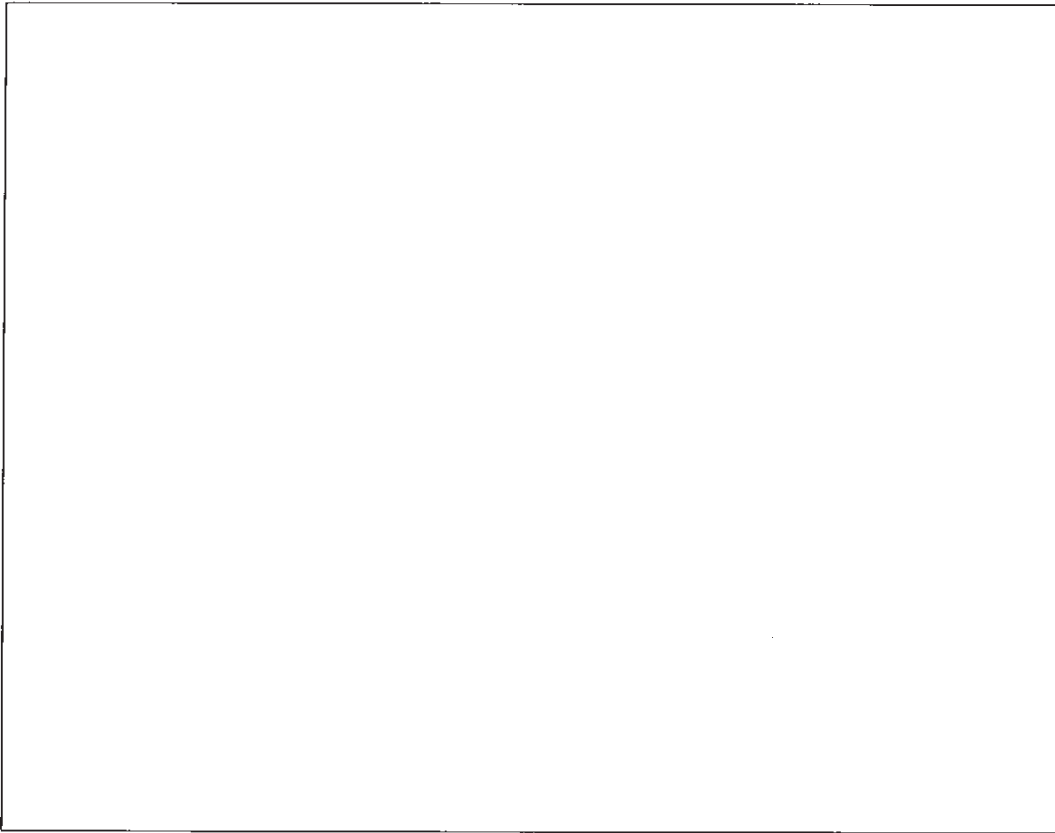
Timbertops, Shirecliffe Road, Sheffield, was issued with a Premises Licence No SY0295PR on the 31st December 2013, the Premises Licence Holder has been Mr Bewick Ulcena of Debel Leisure Ltd and the Designated Premises Supervisor has been Mr Enoch Mushakwa.

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

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

The premises were reviewed on 6th February 2013 whilst under the management of SB Leisure Ltd with several conditions being added (Copy of Licence and conditions attached). Since that time it has come to South Yorkshire Police's attention that there are increasing problems at the premise. It is felt that neither the DPS nor the Premise Licence Holder have taken sufficient steps to eradicate such problems, even given the support offered by South Yorkshire Police and other Partner Agencies.

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



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

From police records available, since February 2013, there have been several incidents at the premises. These incidents include reports of assaults and drugs useage / dealing. More information is provided with regards to these incidents within the review papers. There have also been several visits made due to the changes in management and apparent lack of concern over adhering to the conditions added at the recent hearing, such as ensuring staff have successfully completed a Personal Licence course and making records available to Responsible Authorities.

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

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

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

Please tick yes

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

If yes please state the date of that application

Day

Month

Year

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

Application for a full review was submitted on 6th February 2013 and a full review hearing heard at the Licensing Board on 4th April 2013


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 14th August 2014

Capacity Licensing Manager - SYP

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) B Mumby SYP Licensing Department c/o Attercliffe Police Station 60 Attercliffe Common	
Post town Sheffield	Post Code S9 2AD
Telephone number (if any) 0114 2964308	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

CHRONOLOGY

Name: TIMBERTOPS

Address: SHIRECLIFFE ROAD, SHIREGREEN, SHEFFIELD, S5 8XH

Date	Time	Comment	Reference
22/05/2013		Visit to the premise by PS Charlesworth, Julie Hague, Safeguarding Officer, to meet the new DPS, Tracey Browes. Also present was a member of bar staff, Penny.	Visit
24/05/2013		A copy of the licence, at that time, and a copy of the amended conditions were sent, by post, to the DPS by SYP Licensing Department	
31/05/2013	20.00	A visit was made by PS Charlesworth. Spoken with the DPS, whilst there negative comments were made towards police by a couple of customers.	Visit
16/06/2013	13.59	Report that the premise recently opened and children being allowed inside	Call to Police
16/06/2013	14.45	Visit made, by Police, as a result of incident reported earlier same day. Two month old child seen in premise, bar staff spoken to. Whilst officers speaking to staff, a male customer was argumentative and was constantly swearing. DPS then arrived however made no attempt to deal with abusive customer.	Visit
18/06/2013		Email sent, by SYP Licensing Department, inviting, PLH & DPS to a meeting.	
18/06/2013	12.00	Visit to premise by SYP Crime Reduction Officer to check CCTV.	Visit
19/06/2013	12.10	Phone call, from SYP Licensing Department, to Mr Bruce Gee, SB Leisure, to confirm he had received notification of invite to the next meeting. Confirmed he had	Phone call
26/06/2013		Multi agency meeting held at Ecclesfield Police Station. Present were SYP, Safeguarding, PLH, DPS & bar staff, Penny.	Meeting
13/07/2013	23.21 & 23.13	Call to Police reporting disturbance at premise, male laid on floor outside.	Inc 1680 & linked 1660
30/07/2013	19.45	Visit to premises where DPS states new cameras to be fitted by 31/07/13 and will cover carpark and customers faces on entry.	Visit
24/08/2013		Report made to Police of theft of mobile phone, Crime report submitted	Crime report
12/09/2013	17.31 & 17.49	Report to Police that the Temporary Manager is allowing children on the premise. Second call from DPS, who was away, advised aware of a wake and that Temp Manager should be asking for children to leave. Result was officers attended however no children at the premise.	Call to Police

13/09/2013	22:42	Call from staff as having problems with 3 youth, whom had to be removed for drinking own alcohol. Result was officers attended and spoke to a youth nearby but no apparent damage to premise.	Call to Police
14/11/2013	20:30	Visit by Elizabeth Payne (SYP Licensing) and Hannah Goodman (SYP SC 7234). Issue with hard drive not being able to support all CCTV cameras, PLH aware. Also breach of condition that staff hold a personal licence.	Visit
28/11/2013	07:35	Call from the DPS reporting the premises have been subject of a burglary. Result was officers attended and a crime report submitted. Officers noted that although CCTV was present it had apparently not been working for some time.	Call to Police
28/11/2013	14:25	Visit following burglary overnight by PS Craig Charlesworth 4). DPS requested a sec 19 closure order on the premise.	Visit
29/11/2013	12:00	Meeting with PS Charlesworth, Elizabeth Payne & Dene Tinker (SYP Crime Reduction)	Meeting
02/12/2013	14:30	Meeting with E Payne (SYP Licensing), PC Laycock, Julie Hague (Childrens safeguarding), SB Leisure and persons involved with the premise.	Meeting
12/12/2013	10:00	Telephone conversation between SYP Licensing and Mr Berwick of Debel leisure LTD, re his intentions to reopen the premise.	Phone call
31/12/2013	14:46	Telephone conversation between SYP Licensing and Mr Berwick to discuss plans for a private party.	Phone call
21/01/2014	13:30	Visit by PS Craig Charlesworth to meet new owner and DPS of the premise. Mr Berwick Ulcena, Premise Licence Holder (PLH) and Mr Enoch Mushakwa, Designated Premise Supervisor (DPS).	Visit
26/01/2014	22:00	Male received an injury to arm, result of knife wound. Male declined to co-operate with Police re circumstances.	Call to Police
09/02/2014	01:25	Call to police stating that there is a 'lock-in', people still inside drinking. Result was officers attended and there were no signs of any party.	Call to police
13/02/2014	14:00	Licensing visit by PS Charlesworth to discuss a proposed event. Present were Mr Ulcena and a member of staff Y. Cass. Also discussed was a recent incident on 26/01/14. Unable to produce their incident log.	Visit
17/02/2014	23:04	Email received, by SYP Licensing, from PS Tom Fisher re a visit he conducted on 15/02/2014 at around 21:50 hours as this was an advertised Valentine's event. No door staff present, one member of bar staff working & whilst music could be heard only two customers were inside.	email
19/02/2014	14:00	Pre-arranged visit conducted by E. Payne (SYP Licensing), PS Charlesworth, Julie Hague (Sheffield Childrens Safeguarding) and persons involved in the premise.	Visit

22/02/2014	03:24	Call made to ambulance reporting one male assaulted & another male unconscious on floor after being assaulted in the premise.	Call to Ambulance
01/05/2014		Email from Berwick Ulcena regarding the employment of door staff on a Friday & Saturday evening 2100-0100hrs. They have been employed since the first weekend of the last meeting (21/22 nd March)	Email
21/06/2014	01.18	Report of a male being assaulted whilst dropping someone off at the premises. Suspect has also smashed the car window. CMS submitted for assaulted & criminal damage - confirm	Call to Police
28/06/2014	01.19	Report of disorder at the premises. Amb attended for two males, one who had been hit on the head with a bottle, the other with facial injury. CCTV footage shows approx 15 fighting inside for 5-7 minutes.	Call to Police
28/06/2014	17.56	Call from residents concerned over underage drinking, drugs use and disturbance from the premise.	Call to Police
28/06/2014	22.00	Visit made by local SNA – Both Berwick Ulcena & Enoch Mushakwa were present. No door staff were present. New hard drive had been purchased, as previous one seized following inc 54, & was in use. When lack of door staff was queried, Ulcena stated that the agreement was they would be used if a special event was on as it is not cost effective to have them all the time.	Statement of PS Furniss
30/06/2014		Phone call to Enoch Mushakwa to arrange a meeting for 4 th July to discuss recent events	Phone call
03/07/2014	20.52	Call to Ambulance for a male who keeps falling to floor, inside premises and is refusing to leave. Police attended and due to male being intoxicated, were conveying him home	Call to Ambulance
04/07/2014	10.30	Pre-arranged Licensing meeting at the premise. Present Benita Mumby (SYP Licensing), PS Charlesworth, Mr Ulcena, Mr Mushakwa & Lemoyne Cass. Discussion held around provision of door staff, management of the premise, review of current Licensing conditions & general housekeeping	Meeting
06/07/2014	13.00	Visit by PS Charlesworth. Mr Ulcena stated he was unable to get any door staff for the day. 10 persons outside drinking from glass vessels	Visit

BETWEEN

SOUTH YORKSHIRE POLICE

Complainant

- and -

Timber Tops

**Premise Licence Holders – Debel Leisure Ltd (Mr Berwick Ulcena)
DPS – Mr Enoch Mushwaka**

Respondents

WITNESS STATEMENT OF

Police Sergeant 1274 Craig CHARLESWORTH

1. I am a Police Sergeant in the South Yorkshire Police currently stationed at Ecclesfield Police Station. I have been a Police officer for 17 years and have been in my current role as Sergeant in the North East Safer Neighbourhood Team for three years. Part of my role is the responsibility for the policing of licensed premises within the North East Safer Neighbourhood areas, which include Southey, Burngreave, Firth Park and Parsons Cross areas of Sheffield.
2. I can say from records available to me that the following incidents and meetings and visits have taken place at the Timbertop located at Southey Sheffield: -

3. On 6th February 2013, South Yorkshire Police applied, to Sheffield City Council, for a summary review of the premise licence. A hearing was held on 4th April 2013 with the result being that several extra conditions were to be added to the licence. A copy of those conditions are attached to this report.

4. At 09:45hrs on 22nd May 2013, I visited the premise with police colleagues and Safeguarding, to meet the new DPS, Tracey Browes. Also present was a member of bar staff Penny. We went through the licence conditions to ensure they were being complied with, currently Penny has not successfully completed a Personal Licence course, one of the conditions being that there was to be at least one Personal licence holder on site at all times. CCTV appeared to still be the same as previously and a request was to be made for SYP crime reduction officer to attend to check. The external area was much improved and the DPS advised that bollards were soon to be installed to restrict vehicle access to the rear of the premises. The DPS also asked if she could apply to have the condition relating to 'no under 18's' changed, she was advised that there would have to be evidence of the premise being well run, and over some time, before that could be considered.

5. I am aware that, on 24th May 2013, a copy of the licence and amended conditions were sent to Tracey Browes whilst the new licence was being prepared.

6. At 2000hrs on 31st May 2013, I visited the premise, with a police colleague, to speak to the DPS. She advised me that the brewery had inspected with no issues however, she still did not have a copy of the licence or conditions. I advised her to chase this up and agreed that a further visit would be made. During this visit there were approximately 10 people in the premise, a couple who appeared to be drunk with negative comments made towards ourselves and our visit.

7. At 1445hrs on 16th June 2013, a visit was made to the premise by a member of South Yorkshire Police. This was as a result of a call made to the police that there were children visiting the premise. On police arrival there was a two-month-old child inside, with the female member of bar staff, Penny, stating she did not know children were not allowed inside. Whilst trying to speak to staff, a male customer was argumentative and was constantly swearing, the DPS then arrived however made no attempt to deal with the male who was swearing. She did advise that had she been there then children would not have been allowed in.

8. On 18th June 2013, an email was sent to the PLH, SB Leisure, inviting them to a meeting to discuss children being on the premise.

9. At 1200hrs on 18th June 2013, SYP Crime reduction officer attended the premise and conducted a check of the CCTV system. The result being that the system was not as SYP specification and the bar staff, Penny

Hague, advised that no upgrades to the system had been made. The DPS was not present.

10. At 1210hrs on 19th June 2013, SYP Licensing made a call to Mr Bruce Gee, SB leisure, confirming he had received the email regards the next meeting. During the call he stated that the baby being on the premise was something, which was out of their control. The baby had recently been brought out of hospital and taken into the premise by its Grandfather. When Mr Gee was advised that officers had been informed that children frequent the premise, he made no response.

11. On 26th June 2013, a meeting was held at Ecclesfield Police station re on-going concerns over the running of the premise. The PLH, DPS and bar staff, Penny was present along with SYP and safeguarding. Concerns were around abusive/drunken behaviour, children on the premise and CCTV still not being rectified despite assurances in December 2012 that it would be dealt with. The DPS advised that she was dealing with the abusive behaviour towards the police that her staff had advised the adults that children not allowed on site however, the adults would not leave.

12. At 2321hrs on 13th July 2013, a call was made to the Police reporting a disturbance outside the premise. A male was laid out and a female kept coming out, from the premise, to this male. Police attended and requested an ambulance for a male with facial injuries. The male would not confirm any assault had taken place.

13. At 1945hrs on 30th July 2013, SYP visited the premise, the DPS and Penny were spoken to. The DPS advised that new cameras were to be fitted on 31st July 2013 to cover the car park area and to capture customer faces on entry to the premise.
14. At 2330hrs on 24th August 2013, a report was made to the police of the theft of a mobile phone from inside the premise. A crime report was submitted.
15. At 2242hrs on 13th September 2013, a call was made to the police that three males were causing problems at the premise, kicking at the door. This was after that had been removed from the premise for drinking their own alcohol. Police attended and all was in order.
16. On 14th November 2013, a Licensing check was carried, at the premise, out by SYP Licensing Officer. DPS not present however bar staff, Penny, spoken with. Regards the CCTV, Penny advised that the hard drive could not support all the cameras therefore all cameras were, at that time, disconnected, that SB Leisure were aware however had not taken any action as yet. Penny had not yet attended a Personal Licence course, this being a breach of conditions. Penny was advised several times that her working alone, and not holding a Personal licence, was a breach of conditions. There was also a breach regards no external lighting in operation.
17. At 0735hrs on 28th November 2013, the DPS reported, to the police, that the premise had been broken into. I visited the premises later the same

day and ascertained that neither the CCTV nor the lighting had been resolved as previously requested. The DPS did ask if a SECT19 closure could be served as she was frustrated over the apparent lack of action from the brewery with regards to the breaches of conditions. A SECT19 notice was served and the DPS agreed to close the premise even to non-licensable activities.

18. At 1200hrs on 29th November 2013, I revisited the premise with police colleagues and met with Penny. Penny advised that she understood SB Leisure were handing the building back to the owner, Mr Khan, and that the company had been in and removed most of the contents, including jukebox, beer barrels etc. A further visit was made later the same day when a member of SB Leisure was present as well as a member of SY Fire & rescue who advised the rubbish under the premise was to be moved. Mel advised this belonged to Mr Khan. DPS has also advised she no longer wishes to remain as DPS and has been advised what action she needs to take.

19. At 1430hrs on 2nd December 2013, a meeting was held at the premise, present was PC Laycock, SYP Licensing Officer, Safeguarding officer, SB Leisure (Mel & Bruce), Penny, Mr Khan and two of his friends. Bruce advised the tenancy was being relinquished back to Mr Khan, Mr Khan indicated that he would like the premise reopened as soon as possible. He was made aware that there was an amount of work to be carried out before premise could open.

20. At 1000hrs on 12th December 2013, SYP Licensing had a phone conversation with Mr Ulcena, Debel leisure, as he is intending to reopen the premise. When breaches of conditions were mentioned, Mr Berwick asked for details, he was advised regards of the breaches including the matter of CCTV and that it was his responsibility to ensure all the conditions would be adhered to.
21. At 1446hrs on 31st December 2013, SYP Licensing received a phone call from Mr Berwick asking for CCTV specification and whether there would be any issues with a private party, no alcohol to be sold. Sheffield Council confirmed, if no licensable activities, then they would not be able to object.
22. At 1330hrs on 21st January 2014, I visited the premise to meet the new owner, Mr Ulcena and the new DPS, Mr Enoch Mushakwa. CCTV, external lighting and fixtures and fittings were installed
23. At 2200hrs on 26th January 2014, a male had received a wound to his left bicep as a result of a knife wound. He signed officers pocket notebook to confirm his injuries however, he refused to co-operate further with details of the incident.
24. At 0125hrs on 9th February 2014, a call made to the Police reporting the premise having a 'lock-in' and people were still inside drinking. Police attended and there were no signs of any party
25. At 1400hrs on 13th February 2014, I visited the premise and spoke with the DPS and member of staff Yvonne Cass. She advised they were holding

an event on Saturday 15th February 2014, the event being advertised as 'Lovers Rock Valentine Dance' They had applied for a late licence which had been refused and due to poor demand, tickets were being given to family and friends.

26. At 2150hrs on 15th February 2014, a licensing visit was made by police officers. Bass music could be heard on entering the premise however, there appeared to be only bar staff and a male and female customer present.

27. At 1400hrs on 19th February 2014, I visited the premise with SYP Licensing and the safeguarding Officer. We spoke to Mr Ulcena and Yvonne Cass, the DPS was unavailable. We talked through the licensing conditions to ensure Mr Ulcena was aware of them all. Mr Ulcena advised he wanted to change the 'no under 18's' condition as he would like children in the premise. Safeguarding advised him re the use of TEN's with a view to later submitting a licence variation if all events were run well.

28. At 0324hrs on 22nd February 2014 a call was made to the Ambulance service due to there being a male, inside the premise, who 'would not wake up. There appears to have been a disturbance inside the premise where a group of males have entered the premises and assaulted two males using fists and bottles. A staff member states she has witnessed a "bit of a brawl" but nothing specific. Both males required hospital treatment but refused to cooperate with Police.

29. 1st May 2014 - Email sent to myself, from Mr Ulcena, to say he had been in touch with I.S.S security and they are providing him with door staff on Friday and Saturday 2100-0100hrs. They have been employed as from the weekend of 21st/22nd March 2014.
30. At 0118hrs on 21st June 2014, a call was made to the Police stating a male, who had been dropping someone off at the premise, had been assaulted and his car window had been smashed. Police attended and a crime report was submitted.
31. At 0109hrs on 28th June 2014, a call was made to the Police from a resident, reporting sounds of a disturbance at the premise. As this is an on-going investigation, I am only able to provide the following information, at this time. At 0111hrs Police attend and requested an ambulance for a male who had been hit on the head with a bottle. Officers also noticed a vehicle with windscreen damage to it at the premise, there was also a strong smell of cannabis coming from the vehicle, a small amount of cannabis located in the driver's door. A further ambulance was called, for a male who had been struck in the face and had severe facial swelling. It appears that CCTV shows fighting inside the premises for between 5-7 minutes, there is no record of any member of staff having reported this to the Police. Present at the time were two members of staff and the DPS Enoch Mushakwa.
32. At 1756hrs on 28th June 2014, a call was made to the Police from the local residents group. Concern over underage drinking, drug use and disturbance from the premise

33. At 2200hrs on 28th June 2014, a visit was made to the premise by PS Dean Furniss. Mr Ulcena was present, appeared unconcerned about the incident earlier that morning as it happened outside and when asked where his door staff were, he stated the agreement with PS Charlesworth was that they would be employed only when there was a special event. PS Furniss has provided a statement outlining his visit.
34. SYP Licensing made a phone call to DPS Enoch Mushakwa asking to arrange a meeting, at the premise, with himself and PLH on Friday 4th July at 10.30hrs.
35. At 2052hrs on 3rd July 2014, a call was made to the Ambulance service, by staff, for a male who kept falling over and was refusing to leave. Police attended and conveyed the male home due to his intoxicated state.
36. At 1030hrs on 4th July 2014, I attended a pre-arranged visit to the premise along with Benita Mumby, SYP Licensing Manager. Also present were PLH Mr Berwick Ulcena, DPS Mr Enoch Mushakwa and Lemoyne Cass. Discussions around recent incidents at premises, which had seen an increase in violent incidents and community complaints. Initial discussions around door staff and previous agreement that staff would be brought in every Friday and Saturday. This had not been the case with regard to the previous incident where no door staff was present during the trouble. Mr Ulcena had indicated to other officers that the agreement had been for door staff only for significant events. This was negated through a copy email sent to PS 1274, dated 01/05/14 where Mr Ulcena agreed to have

door staff every Friday and Saturday between 9pm and 1am. There was lengthy discussion over the provision of door staff and the fact that Mr Ulcena did not think they were cost effective for the numbers using the premises. The discussion also centred on the Sunday of the Tour de France, which was clearly a significant event and would affect the premises as it was on the route. Mr Ulcena stated that despite this being a significant event he had not thought of utilising door staff. Benita Mumby requested that he give this consideration due to the potentially serious consequences of any issues arising from public disorder at the premises. Mr Ulcena stated that he would try and get staff but berated staff he had been sent in the past indicating that they were not fit for purpose as such he felt it was wasted money and that it was seen as a deterrent by other customers attending seeing door staff on duty at the premises. It appeared that finance was an underlying feature and this was dictating how the premises were being managed. Mr Ulcena indicated that he was working the bar as well as duties relating to that of a doorman. The implications of this with him not being SIA registered were outlined. The issues of public safety were reiterated, especially after the increase in violent incidents and that safety should not be compromised by finance. It was also made clear that any decisions to close the premises if it was not seen as cost effective should come from Mr Ulcena and would not be the decision of South Yorkshire Police.

It was clear that Mr Ulcena would dispute the circumstances of the events which had occurred at the premises recently and that his solutions were based around more police interventions in banning individuals and

blocking off the car park. There was no consideration around managing individuals inside and outside of the premise, as this would be staff intensive and at a cost. Having raised the issue of bans imposed on individuals, Mr Ulcena was unable to produce his incident book or refusal logs, which he stated, had been completed identifying individuals and circumstances of their bans. The book was elsewhere and when pressed he became evasive and defensive. A review of the licence conditions also identified that there were no training records for staff available and Benita Mumby agreed to supply sheets for completion. Mr Ulcena was unable to provide information on what policies had been adopted around the zero tolerance to drugs and what if any staff training had taken place. Despite previous assurances given, not all front facing staff members were personal licence holders with Mr Ulcena struggling to identify staff currently working at the premises. When pushed, he acknowledged only two of the names provided currently had a personal licence, this is out of the five staff he named as working behind the bar. He, himself, also worked behind the bar and he admitted to not holding a personal licence either.

It was unclear whether the named individuals still worked at the premises. On this particular condition, "customer facing staff to hold a personal licence", Mr Ulcena challenged the condition despite it being in place since the beginning of his tenure and him agreeing to get staff trained. He felt it should be reviewed, as it was not workable presumably due to high staff turnover. Mr Ulcena was also unable to produce documentation on the premises Health and Safety policy. When pressed on this issue he was

unable to identify any aspects of the Policy to advise what it was and what it covered.

It was confirmed that the DPS was still not a member of Licence Watch despite this being the subject of numerous previous conversations with Police and Licensing staff since the pub re-opened and assurances.

Prior to the commencement of the meeting a walk around the premise was undertaken with the DPS to assess the level of rubbish and litter discarded. Benita Mumby took photos of the rear of the premises, as there was still rubbish lying around including new cable, which had obviously been brought to burn off the copper there. (These photographs have been submitted as BM1, BMⁿ and BM3)

37. At 1300hrs on 6th July 2014, I visited the premise to speak to Mr Ulcena.

On arrival there were approximately ten persons, outside the premise, drinking from glass vessels. Inside I spoke with Mr Ulcena who stated he had not been able to book any door staff. I advised him to review the outside of the premises in preparation of the Tour de France passing by in the next couple of hours. Mr Ulcena confirmed he would do this and that he had plastic glasses however it was unclear when these were to be used.

38. Sheffield Safeguarding had sent a letter to Mr Ulcena, dated 19th Feb 2014, inviting himself and his staff on the next free Safeguarding training course to be held on 10th April 2014. An email from Safeguarding, dated 11th July

2014, states that no-one from the premise attended that course, no apologies were sent and no-one from the premise has contacted to book on any future safeguarding courses.

39. There have been changes in DPS and PLH since the review in early 2013, however breaches of licensing conditions have still occurred along with several incidents. Despite numerous visits to each DPS/PLH, offering support and advice, I still have concerns over the ability of the DPS or the Premise Licence Holder to have sufficient control of the premise. This in turn would raise concerns over how they would take their responsibilities, regarding the safe running of a Licensed premise and the promotion of the four licensing objectives, seriously.

I believe that the contents of this statement are true and I understand it may be placed before the court.

I also understand that the contents of this statement may be shared with agencies working in partnership with the South Yorkshire Police.

Signed.....



PS 127R

Dated.....

13/8/14

WITNESS STATEMENT

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

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Statement of Dean Andrew Furniss

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: Police sergeant 394

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

Signature  (witness) Date: 11th August 2014

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

I am a Police sergeant in the South Yorkshire Police stationed at Ecclesfield Police Station Sheffield.

At 2200 hours on Saturday 28th June 2014, I attended at the Timber Top public house on Shirecliffe Road Sheffield.

At this location I spoke with the designated Premise supervisor Enock MUSHAKAWA born 15/5/53 and the licensee Bertwick ULCENA born 31/10/73.

I was aware that an incident had occurred at the premise on the previous evening and explained that I wished to check that their CCTV operating system was in working order.

ULCENA explained that he had bought a new hard drive as the Police had recovered the old one on the previous evening.

The system was in working order. I noted that there was approximately 25 persons present within the premise and that no door staff were in attendance or working on that evening.

ULCENA stated to me that he had entered into an agreement with Sergeant CHARLESWORTH that door staff were only required on special events and that as this night did not have a special event, they were not required.

I then explained that the Police licensing officers might speak to him further in relation to this prior leaving.

Signature:  Signature Witnessed by:

EMAIL FROM BERWICK (BUDEV@HOTMAIL.CO.UK) TO SGT CHARLESWORTH:-

DEAR CRAIG CHARLESWORTH,

AS REQUESTED, THESE ARE THE FOLLOWING DETAILS:

WE HAVE BEEN USING INTELLIGENT SECURITY SERVICES TO PROVIDE THEIR SECURITY SERVICES AT THE TIMBER TOP SINCE THE FIRST WEEKEND OF OUR LAST MEETING, FRIDAY 21 MARCH 2014 AND SATURDAY 22 MARCH 2014.

WE HAVE RESEARCHED VARIOUS SECURITY COMPANIES AND HAVE DECIDED TO WORK WITH INTELLIGENT SECURITY SERVICES (UK) LTD (I.S.S) TO PROVIDE SECURITY AND DOOR SUPERVISION I.S.S IS AN ESTABLISHED COMPANY WHICH PROVIDES AN EMPHASIS ON AN APPROACHABLE AND RESPONSIVE STYLE OF WORKING AND EMPLOYEES ARE RECRUITED WITH THIS IN MIND. AS THIS IS BOTH A SECURITY PROVIDER AND A SECURITY TRAINING PROVIDER (SECURE TRAINING SOLUTIONS LTD) THEIR EMPLOYEES ARE FULLY TRAINED TO SIA STANDARDS. I.S.S WILL ALSO BE INFORMED CONTACT SHEFFIELD LICENSING POLICE AND INFORM THEM THAT THEY ARE PROVIDING SECURITY SERVICES AT THE TIMBERTOP IF NEEDED.

WE HAVE CONTRACTED I.S.S TO PROVIDE TWO SIA LICENSED SECURITY DOOR SUPERVISORS TO WORK AT THE TIMBERTOP EVERY WEEKEND ;FRIDAY AND SATURDAY, FROM 9PM TILL 1AM.

I.S.S CONTACT DETAILS:
COMPANY DIRECTOR: RICHARD RUBY
EMAIL: RICHARD@INTELLIGENTSECURITYSERVICES-UK.CO.UK OR
RICHARD@SECURETRAININGSOLUTIONS.CO.UK

PHONE: 01902 482464 OR 07864360907

WE ARE ALSO, AIMING TO USE OR ALTERNATE WITH I.S.S THE SECURITY SERVICES OF THE FOLLOWING COMPANY AT TIMBERTOP:

I.C.P SECURITY SERVICES LTD.
TELEPHONE NUMBER: 0114 279 2876
WWW.ICPLTDSHEFFIELD.CO.UK

DUE TO THE COSTLY SECURITY DEMAND AT TIMBER TOP: WE ARE ALSO AIMING TO HAVE OUR OWN IN-HOUSE SECURITY MANAGEMENT WITH VALID SIA BADGES IN WHICH WE WILL BE INFORMING YOU. PLEASE FEEL FREE TO CONTACT IF YOU REQUIRE ANY FURTHER INFORMATION OR DISCUSSING THE ISSUES AT BAR.

SINCERELY YOURS,

BERWICK ULCENA
DEBEL LEISURE LTD



Bm J





Rm 3

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

E-mail: general.licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk/licensingact
Date: 31st December 2013

Mr Berwick Ulcena
Debel Leisure Ltd
448 Pitsmoor Road
Sheffield
S3 9AY

Dear Sir,

Licensing Act 2003: Application to Transfer a Premises Licence & Change the Designated Premises Supervisor
Premises: Timbertops, 334 Shirecliffe Road, Sheffield, S5 8XD
Premises Licence Number: SY 0295 PR

I enclose:

a) the updated premises licence; and
a) the updated premises licence summary
for the above named premises.

Please check both documents carefully, including all attached papers, and ensure that all details are correct. If they are not, please contact us immediately.

Please also be aware of the following:

- The original (or a certified copy) of the *entire* premises licence must be kept on the premises and available for inspection at all times. This includes any annexes, appendices & other related documents.
- The original (or a certified copy) of the premises licence summary must be prominently displayed at the premises.
- Failure to comply with any conditions attached to a licence is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both.

You must inform the Licensing Authority if you wish to do any of the following:

- Vary the licence;
- Vary the Designated Premises Supervisor (DPS) named on the licence;
- Transfer the licence; or
- Surrender the licence.

Application Type: LA03_App to Vary the DPS Unique Flare ID: 039531

You must also inform us if the premises licence holder or DPS change their name or address.

Should you wish to make any changes to the licence, please contact us for the relevant forms or refer to the website for information at www.sheffield.gov.uk/licensingact. The original premises licence and premises licence summary must be returned for amendment and accompanied by the required fee (if applicable).

If the original premises licence or premises licence summary is lost or stolen, you must report this to South Yorkshire Police and immediately forward us a statement containing the incident number and/or the officer's details to whom it has been reported and a fee of £10.50 for the replacement.

Please contact me if you have any queries.

Yours faithfully

Jayne Gough
Licensing Officer

Enquiries to: 0114 2734264 / 0114 2734880
Enc.

Application Type: LA03_App to Vary the DPS Unique Flare ID: 039531

THE LICENSING ACT 2003**Premises Licence No: SY 0295 PR****ISSUE NO: 11**

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

PART 1 – Premises details

Timbertops
334 Shirecliffe Road
Sheffield
S5 8XD

Telephone Number: Not Known

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

1. Provision of regulated entertainment:**Live Music****Indoors**

Sunday	11:00 to 24:00 hours
Monday - Thursday	10:00 to 24:00 hours
Friday & Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

Recorded Music**Indoors**

Sunday	11:00 to 24:00 hours
Monday - Thursday	10:00 to 24:00 hours
Friday & Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

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

Application Type: LA03_App to Vary the DPS Unique Flare ID: 039531

2. Sale by retail of alcohol:

- a) for consumption on the premises
- b) for consumption off the premises

Sunday	11:00 to 24:00 hours
Monday - Thursday	10:00 to 24:00 hours
Friday & Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

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

The opening hours of the premises are:

Sunday	11:00 to 00:30 hours the following day
Monday - Thursday	10:00 to 00:30 hours the following day
Friday & Saturday	10:00 to 01:30 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

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

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

Sale by retail of alcohol for consumption both on and 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:

Debel Leisure Ltd
448 Pitsmoor Road
Sheffield
S3 9AY

Telephone Number: 07447 463571

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

8382063

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

Enock Mushakwa
2 Batemoor Drive
Batemoor
Sheffield

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 3767 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 24th November 2005.

Issued on: 7th September 2005.



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

Application Type LA03_App to Vary the DPS Unique Flare ID 039531

Sheffield City Council – For Office use only

Variation of Premises Licence

Variation of DPS

Transfer of Premises Licence

Minor Variation

Change of Name/Address

No: 10 Issue Date: 11/12/2013

No: 3 Issue Date: 11/12/2013

Application Type LA03_App to Vary the DPS Unique Flare ID 039531

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
- (a) 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).
 - (a) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.
2. In this section -
 - "children" means persons aged under 18; and
 - "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory Condition 4 (Section 21)

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

Annex 1B - Mandatory Conditions effective from 6th April 2010:

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

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–

Application Type: LA03_App to Vary the DPS Unique Flare ID: 039531

- (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.

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Annex 2 – Conditions consistent with the operating schedule

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

Application Type LA03_App to Vary the DPS Unique Flare ID 039531

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

Following review 4th April 2013, conditions take effect 17th July 2013.

1. No children under 18 are permitted on the premises at any time.
2. All staff and the Premises Licence Holder shall be trained in the operation of the Challenge 25 scheme and how to manage confrontation. Staff training records must be maintained to the satisfaction of the Licensing Authority and made available to the officers of the Responsible Authorities and the Licensing Authority upon request.
3. The premises must display relevant posters and information relating to the supply of alcohol to underage customers in positions that are both visible inside and outside the premises and at the point of sale.
4. A colour CCTV system to the specification of South Yorkshire Police, will be fitted, maintained and in use at all times the premises are open. The CCTV images will be stored for 28 days. Police and authorised officers of the Council will be given access to images for the purposes in connection and detection of crime and disorder.
5. The Premises Licence Holder and all persons working at the premises shall be fully trained in the use of the CCTV system, so that images can be immediately obtained by the Police and Authorised Officers of the Council.
6. The Premises Licence Holder shall prominently display notices prohibiting access to persons under 18 years of age.
7. The Premises Licence Holder shall maintain an incident book to the satisfaction of the Licensing Authority and made available to officers of the Responsible Authorities and Licensing Authority upon request.
8. The Premises Licence Holder shall adopt zero tolerance on drugs and adopt drugs policies and operating procedures and ensure that staff will receive training on these matters. Records of such training will be kept and made available for inspection by Responsible Authorities and the Licensing Authority upon request.
9. All customer facing staff shall become Personal Licence Holders.
10. The Premises Licence Holder shall ensure that the Designated Premises Supervisor as at the date of the hearing is removed.
11. The Premises Licence Holder shall ensure that operational external lighting be fitted to all external areas. Such lighting to be operational via internal timer and passive infra-red sensor (PIR).
12. The Premises Licence Holder shall ensure litter, broken glass, deposits of rubbish and other deposits are removed from the area adjacent to the Premises and maintain such system is in operation.

Application Type LA03_App to Vary the DPS Unique Flare ID 039531

13. The Premises Licence Holders shall ensure that all outstanding matters drawn to the attention of the Premises Licence Holder by letter dated 2 August 2012 raised by the Health Protection Service specified in the schedule of works appended to this determination, be completed within 28 days of the date of the determination. (See attached letter at Appendix 1).

Application Type: LA03_App to Vary the DPS Unique Flare ID 039531

Annex 4 – Plans

Plan Reference:
Timbertops
Drawing no: 896376 Rev: A
Date: 22.10.04

Application Type LA03_App to Vary the DPS Unique Flare ID 039531

Appendix 1

Application Type: LA03_App to Vary the DPS Unique Flare ID: 039531

LICENSING ACT 2003**Premises Licence Summary**

ISSUE NO: 11

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

Premises licence number **SY 0295 PR**

Timbertops
334 Shirecliffe Road
Sheffield
S5 8XD

Telephone Number: Not Known

Licensable activities authorised by the licence:**1. Provision of regulated entertainment:****Live Music**

Indoors

Sunday	11:00 to 24:00 hours
Monday - Thursday	10:00 to 24:00 hours
Friday & Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

Recorded Music

Indoors

Sunday	11:00 to 24:00 hours
Monday - Thursday	10:00 to 24:00 hours
Friday & Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

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

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2. Sale by retail of alcohol:

- a) for consumption on the premises
- b) for consumption off the premises

Sunday	11:00 to 24:00 hours
Monday - Thursday	10:00 to 24:00 hours
Friday & Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

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

The opening hours of the premises are:

Sunday	11:00 to 00:30 hours the following day
Monday - Thursday	10:00 to 00:30 hours the following day
Friday & Saturday	10:00 to 01:30 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

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

PLEASE NOTE:

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

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

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

Sale by retail of alcohol for consumption both on and off the premises.

Name, (registered) address of holder of premises licence:

Debel Leisure Ltd
448 Pitsmoor Road
Sheffield
S3 9AY

Telephone: 07447 463571

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

8382063

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

Enock Mushakwa

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

Restricted

The Premises Licence shall be in force from 24th November 2005.

Issued on: 7th September 2005.



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

Application Type LA03_App to Vary the DPS Unique Flare ID 039531

Gough Jayne (CEX)

From: Gough Jayne (CEX) on behalf of licensingservice
Sent: 15 September 2014 10:10
To: Gough Jayne (CEX)
Subject: FW: APPLICATION TO REVIEW THE PREMISES LICENCE: TIMBER TOP, SHIRECLIFFE ROAD, SHEFFIELD S5 8XH
Attachments: Timber Top.pdf; Timber Top.pdf; Untitled
Importance: High

From: Hague Julie
Sent: 14 September 2014 19:06
To: licensingservice
Subject: APPLICATION TO REVIEW THE PREMISES LICENCE: TIMBER TOP, SHIRECLIFFE ROAD, SHEFFIELD S5 8XH
Importance: High

For the attention of the Licensing Authority

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

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

Thank you.

Julie Hague
Licensing Project Manager, Sheffield Safeguarding Children Board
Floor 2, Redvers House, Union Street, Sheffield S1 2JQ
0114 2736753
07854 219682
julie.hague@sheffield.gov.uk



14.9.14

The Licensing Authority
General Licensing Section
Town Hall
Surrey Street
Sheffield S1 2HH

Address correspondence to:

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

Dear Sirs

APPLICATION TO REVIEW THE PREMISES LICENCE: TIMBERTOP, 334 SHIRECLIFFE ROAD, SHEFFIELD S5 8XD

I am writing on behalf of the Sheffield Safeguarding Children Board to make a Representation in relation to the above application. The reason for the Representation is set out below and I would ask the Licensing Authority to consider the following comments, in order to preserve existing systems at the premises for the Protection of Children from Harm, under the Licensing Act 2003.

The Safeguarding Children Board has a long history of attempting to engage the various premises managers in partnership work in order to achieve a culture change with the aim of making the premises suitable for children. The Safeguarding Children Board made representations at a Licensing Sub Committee Hearing in February 2013, to express concern that the premises was unsuitable for children and at that point the Licensing Authority modified the licence conditions so that children are prohibited.

Since that time, I have met with the various premises managers on numerous occasions:

1. 26.6.13: I attended a meeting with the police and the Designated Premises Supervisor Ms Browes, to discuss a breach of the children's conditions due to a baby being in the pub during licensed hours.
2. 2.12.13: I attended a meeting with the police and licensee, S B Leisure, to discuss concerns about underage drinking and the safeguarding systems at the premises.
3. 19.2.14: I attended a meeting with the police and the recently instated designated premises supervisor, Mr Enoch Mushakwa. The purpose of the meeting was to ensure the premises management were aware of the history of the premises in relation to the environment and children and to assist with safeguarding systems to ensure compliance with existing licence conditions. At this meeting the premises management expressed an intention to seek to remove the licence conditions prohibiting children. I advised the DPS that until a culture change had been evidenced, the Safeguarding Children Board would object to a move by the premises management to remove the licence conditions prohibiting children.
4. 28.8.14: I attended a meeting with the police, the premises licence holder Mr Berwick Ulcena and the new DPS, Ms Potts. The purpose of the meeting was to

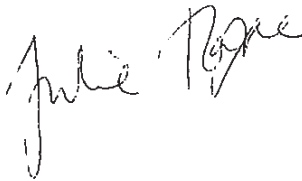
discuss the licence conditions and recent safeguarding issues with the new DPS including allegations of underage sales and to discuss what safeguarding systems were in place. A check of the age verification scheme and staff training records was undertaken and all systems were evidenced to be properly maintained.

At this meeting the licence holder and Ms Potts expressed an intention to seek to allow children in to the premises. I advised Mr Ulcena and Ms Potts that in light of police concerns about crime and disorder at the premises, including assaults, drug use and adults being intoxicated the Safeguarding Children Board would not be in a position to support a move by the premises management to remove the licence conditions prohibiting children.

On 12.9.14 I received an email from Ms Simone Wraith, the new manager at the premises (copy attached) in which Ms Wraith expressed an intention to seek to remove the licence conditions prohibiting children. In my subsequent telephone discussion with Ms Wraith about this on 12.9.14, I explained to Ms Wraith that I had already informed Mr Ulcena that the premises has and still remains unsuitable for children and that the Safeguarding Children Board would require evidence of a culture change before this position could be reviewed.

In light of the above, I would recommend to the Licensing Sub Committee that no change is made to the licence conditions currently prohibiting access to children under the age of 18 years at the premises.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Julie Hague', written in a cursive style.

JULIE HAGUE
Licensing Project Manager
Sheffield Safeguarding Children Board

Cc The Applicant
The Licensing Authority



14.9.14

Debel Leisure Ltd
448 Pitsmoor Road
Sheffield S3 9AY

Address correspondence to:

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

Dear Sirs

TIMBERTOP, 334 SHIRECLIFFE ROAD, SHEFFIELD S5 8XD

Further to a meeting on 28.8.14 which I attended with Ms Mumby of South Yorkshire Police, Mr Berwick Ulcena, representing the Premises Licence Holder and the Ms Potts, Designated Premises Supervisor I am writing to confirm the key points of the meeting and verbal advice issued on behalf of the Safeguarding Children Board.

1. The purpose of the meeting was to discuss what safeguarding systems are in place to ensure compliance with the licence conditions and to make you aware of previous allegations of underage drinking. A check of the age verification scheme took place and I can confirm that:
 - a. Bar staff are appropriately trained to operate the age verification scheme in order to prevent underage drinking or access to the premises by persons under the age of 18.
 - b. I note that all bar staff have passed the 'personal licence holder' course.
 - c. The refusals log and patrol logs were up to date and properly maintained and that signage for the Challenge 25 scheme is suitably displayed.
2. A discussion took place about the pending licence review and continued concerns about the level of crime and disorder at the premises which had not yet been addressed by the premises management. Mr Ulcena and Ms Potts expressed an intention to seek to allow children in to the premises as soon as possible. I advised Mr Ulcena and Ms Potts that in light of police concerns about crime and disorder at the premises, including assaults, drug use and adults being intoxicated, the Safeguarding Children Board would not be in a position to support a move by the premises management to remove the licence conditions prohibiting children.
3. A discussion took place about what steps need to be taken to achieve a culture change in order to evidence that the premises is suitable and 'family friendly'. I advised that in the first instance, the premises management must evidence that crime and disorder had been significantly reduced and that the management had improved day to day control of the premises. When this point has been reached, the Safeguarding Children Board would offer all staff free training to prepare the premises for operating as a safe environment for children and young people with a view to subsequent family events taking place under temporary event notices to

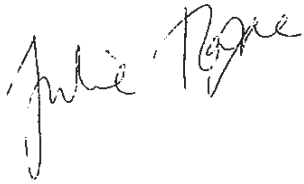
evidence compliance with guidance and advice in providing a safe family environment.

4. I advised that until such a time as a culture change can be evidenced, the premises currently remains unsuitable for children and young people.

In light of the above, I would suggest that you make contact with the Safeguarding Children Board at a time that a culture change has been evidenced in order to commence a programme of safeguarding training for all staff.

I trust this is of assistance.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Julie Hague', written in a cursive style.

JULIE HAGUE
Licensing Project Manager
Sheffield Safeguarding Children Board

Cc The Applicant
The Licensing Authority

Gough Jayne (CEX)

From: Simone Wraith <simonenlip4eva@gmail.com>
Sent: 12 September 2014 12:44
To: Hague Julie

Hello Julie I am the new manger at timber top at shiercliffe and I understand there are no children allowed on the premises could you tell me how I could get that order removed a lot of customers are asking when kids will be allowed in the pub thank you Simone bailey

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

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

The Sheffield City Council being the licensing authority, on the 18th August 2014 received an application for a review of a Premises Licence in respect of premises known as The Timbertops, 334 Shirecliffe Road, Sheffield, S5 8XD

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

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **2nd October 2014 at 10am**; following which the Council will issue a Notice of Determination of the Application for Review.

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

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

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

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

Dated 16 September 2014

Signed 
The officer appointed for this purpose

Please address any communications to:

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

NOTES

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

C

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

Julie Hague
Licensing Project Manager
Sheffield Safeguarding Children Board

The Sheffield City Council being the licensing authority, on the 18th August 2014 received an application for a review of a Premises Licence in respect of premises known as The Timbertops, 334 Shirecliffe Road, Sheffield, S5 8XD

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

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **2nd October 2014 at 10am**; following which the Council will issue a Notice of Determination of the Application for Review.

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

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

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

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

Dated 16 September 2014

Signed 
The officer appointed for this purpose

Please address any communications to:

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

NOTES

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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.

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

Debel Leisure Ltd
448 Pitsmoor Road
Sheffield
S3 9AY

The Sheffield City Council being the licensing authority, on the 18th August 2014 received an application for a review of a Premises Licence in respect of premises known as The Timbertops, 334 Shirecliffe Road, Sheffield, S5 8XD

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

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **2nd October 2014 at 10am**; following which the Council will issue a Notice of Determination of the Application for Review.

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

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

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

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

Dated 16th September 2014

Signed Cbowes
The officer appointed for this purpose

Please address any communications to:

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

NOTES

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.

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

Of

hereby confirm that I have received the Notice of Hearing dated **2nd October 2014** and notify you as follows **(please complete)**:

I intend to attend the hearing

I do not intend to attend the hearing

I intend to be represented at the hearing by:

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

I consider the hearing to be unnecessary because:

.....

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

Dated:

Signed.....

Please see Regulation 8 overleaf

Please complete this form and return it to:
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.

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

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

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

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