



SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 4th January 2016

Subject: Licensing Act 2003
Application for the review of a premises licence

Author of Report: Jayne Gough

Summary: To consider an application for the review of a premises licence submitted by Sheffield Trading Standards.

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

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

Ref No 03/16

LICENSING ACT 2003

Review of Premises Licence

Rhythm & Booze, 783-785 Abbeydale Road. Sheffield, S7 2BH.

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 Rhythm & Booze, 783-785 Abbeydale Road, Sheffield, S7 2BH.

2.0 THE APPLICATION

- 2.1 The application is made by the Sheffield Trading Standards and was received by the Licensing Service on 9th November 2015.
- 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
 - Protection of Children from harm.
- 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The Licensing Authority must under the Act refer any application for review to the Licensing Committee, unless it is withdrawn, or if representations are made by an interested party that the Licensing Authority are of the opinion that they are frivolous or vexatious.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's 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 'D'.

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

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

7.0 APPEALS

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

8.0 RECOMMENDATIONS

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

9.0 OPTIONS OPEN TO THE COMMITTEE

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

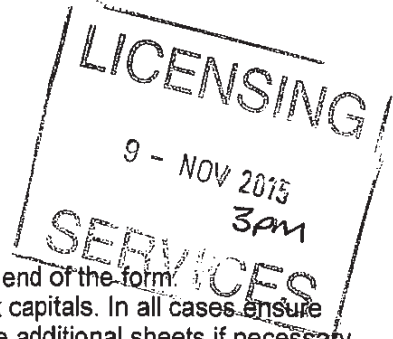


Steve Lonnia,
Chief Licensing Officer, Head of Licensing
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot
Sheffield
S9 3HD.

Appendix A

The Application / Current Premises Licence

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



(1)

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

(2) **I/We** David Palmer

apply for the review of a [premises licence under section 51]

**[club premises certificate under section 87] of the Licensing Act 2003 for the premises
described in Part 1 below**

Part 1 - Premises details or club premises details

Postal address of premises or club premises, or if none, Ordnance Survey map reference or description Rhythm & Booze 783-785 Abbeydale Road	
Post town Sheffield	Post code S7 2BH
Telephone number (if any)	0114 2580576
Name of premises licence holder or club holding club premises certificate (if known) Mr Jigar Mayankkumar Patel	
Number of premises licence or club premises certificate (if known) SY 0416 PR	

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete section (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

Delete any words in square brackets which do not apply

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

(2) Insert name(s) of applicant

Please tick ✓ yes

2) a responsible authority (please complete section (C) below)

3) a member of the club to which this application relates (please complete section (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current address

Post town

Post code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT (fill in if applicable)

Name and address

Post town

Post code

Telephone number (if any)

E-mail address
(optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in if applicable)

Name and address	
Sheffield City Council Trading Standards (Weights & Measures Authority) 2-10 Carbrook Hall Road	
Post town Sheffield	Post code S9 2DB

Telephone number (if any)

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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

1. On 20th of August 2015, Trading Standards Officers carried out a routine inspection at the Rhythm & Booze store on Abbeydale Road, Sheffield. Officers found 7 x 70cl bottles labelled as Teacher's whisky, which they suspected to be illicit, because the rear labels were self adhesive and contained a spelling mistake.
2. Officers also found 11 x 70cl bottles labelled Bell's whisky, which they also suspected to be illicit, due to the self adhesive labels.
3. All of the suspect bottles were seized and the Trade Mark owners of the two products confirmed that the contents were genuine, but the rear labels were counterfeit and falsely depicted a duty paid logo. This is an offence.
4. Counterfeit and illicit spirits are known to contain dangerous industrial chemicals and contaminants and are made without the quality control measures employed by genuine brand manufacturers. Such products have no genuine batch codes, which makes traceability impossible. This is also an offence.
5. The public's safety is at risk when consuming illicit spirits, particularly during binge drinking and even when being consumed more responsibly on a regular basis.
6. Children and young people are put at increased risk of harm, over and above the effects of under-age drinking, due to the likely effects of the illegal chemical content and the potential inaccuracy of the declared strength (ABV).

Please provide as much information as possible to support the application

(please read guidance note 2)

1. The Premise Licence Holder, Jigar Patel, is also the Designated Premises Supervisor.
2. Following the seizure, officers immediately visited another store operated by Mr Patel at Middlewood Road, only to find it closed with the shutters down, even though it was the middle of the day. A follow-up visit on 24th August 2015 when the store was open, revealed no illicit alcohol, but Officers did find outer packaging for Bell's whisky, showing an obliterated duty paid stamp. This indicates that the whisky was released from a bonded warehouse and intended for export. It should not be possible to find packaging marked in this way in a retail premise.
3. On 9th July 2015 (only six weeks before this seizure), Jigar Patel pleaded guilty at Sheffield Magistrates Court to three specimen offences under the Trade Marks Act 1994, relating to the possession of 176 bottles of illicit spirits, which were seized from three other premises in Sheffield, for which he was also PLH and DPS. He was fined £240 and was ordered to pay £617 costs plus £20 surcharge. During these proceedings, the duty evaded was calculated to be £1638.
4. During an interview following the seizures in November 2014, Mr Patel admitted buying the products from an itinerant seller and that by showing no due diligence, he understood that he could have put the safety of his customers at risk.
5. Although the spirits seized were found to be the genuine product, but with counterfeit "duty paid" labels applied to the bottles, the licensee could not have known this and it was only his good fortune that he did not buy a contaminated or counterfeit product.
6. Appended to this application is a report prepared by Dr.Subhashis Basu, Specialty Registrar in Accident and Emergency in Sheffield. Dr Basu details the potential health effects of common contaminants found in illicit alcohol.
7. It is contended that Jigar Patel has demonstrated by his actions, that he is not competent to be the Premises Licence Holder, nor the Designated Premises Supervisor.

Please tick ✓ yes

Have you made an application for review relating to these premises before?

Day Month Year

If yes, please state the date of that application

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

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

^{* insert amount} 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 5 - Signatures (please read guidance note 3)

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

Signature 

Date 9/11/15

Capacity Senior Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
David Palmer Sheffield Trading Standards 2-10 Carbrook Hall Road	
Post town Sheffield	Post S9 2DB
Telephone number (if any) 0114 2736291	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) david.palmer@sheffield.gov.uk	

Notes for Guidance

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

1 November 2013

Craig Fisher
Senior Trading Standards Officer
Trading Standards Office
2-10 Carbrook Hall Road
Sheffield
S9 2DB



Dear Craig,

Re: Request for advice re: harmful effects of illicit alcohol contaminants

Thank you for inviting me to write this report regarding the potential health effects of common contaminants found within illicit alcohol seized across Sheffield. I understand from your correspondence that the following chemicals are of particular interest:

Tertiary Butanol
Cyclohexane
Xylene
Isopentanol/Isopropanol
Chloroform
Toluene

I shall describe these in turn. It is important to note that the human health complications (particularly through long-term exposure) from ingesting (swallowing) the substances are not well understood. In addition, most of the data regarding harmful effects come from animal studies or from occupational exposure.

The information I have provided here should be taken as my professional opinion regarding their potential harm to human health as a medical practitioner in the Emergency Department and a qualified Occupational Health Doctor. For further more detailed advice, you may wish to seek the advice of a specialist in the field of toxicology.

Given the nature of the issue at hand, I have discussed the likely complications from ingesting the liquid. It should be noted that harmful health effects from skin/eye contact and from inhalation of vapours can occur. The majority of studies exploring adverse health effects in humans assess inhalation.



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Tertiary Butanol

Mainly used in solvents, and its dehydrated form in the production of synthetic rubber. Most studies performed on rats and mice.

High-doses acutely (one-off/ few occasions): Eye irritation and damage, Balance and Coordination difficulties, reduced concentration and activity – coma and death.

Repeated high-dose consumption: Can lead to dependence, other effects uncertain in humans; studies on rodents such harmful effects on the kidneys, bladder and reproductive organs.

Cyclohexane

This is a product that occurs naturally in crude oil.

High-Doses acutely: Effects range from headaches and mild confusion to drowsiness, tremors, and convulsions and death. Direct eye contact can be damaging.

Repeated high-dose consumption: No information in humans. In animals: Nervous system effects (tremor, death), breathing difficulties and diarrhoea. No data on cancer causing potential

Xylene

Widely used as a solvent in many industries.

High-Doses acutely: irritate the nose and throat. Symptoms may include headache, nausea, dizziness, drowsiness and confusion. High exposure can cause unconsciousness.

Repeated high-dose consumption: Again little information in humans, not known to cause cancer. Identified nervous system changes include: headaches, irritability, depression, insomnia, agitation, tiredness, tremors, impaired concentration and short-term memory. Postulated that fetal harm (low birth weight, developmental abnormalities) may occur. Not identified as a cancer-causing agent.

Isopentanol/Isopropanol

This is essentially a high-strength alcohol used in multiple industries.

High-Doses acutely: visual disturbances (blurring to blindness), balance difficulties, altered speech through to fits, coma, respiratory arrest and death.

Repeated high-dose consumption: Nervous system damage, altered/loss of sensation and/or motor function. Liver and kidney disease and likely effects on developmental organs. Not known to be cancer-causing.

Chloroform

Traditionally used as an anaesthetic. Also used in numerous industries as a solvent

High-Doses acutely: Fits with 'anaesthetic' properties. Central Nervous system depression – ranging from confusion to drowsiness, coma, fits and death.

Repeated high-dose consumption: Liver, Kidney damage, and development of blood disorders increasing the propensity to bleeding and infection.

Toluene

Another solvent widely used in industry

High-Doses acutely: Damage to throat and nose through irritation, as well as gastrointestinal tract. Central nervous system depressant (signs as above). Risk of aspiration which may cause lung damage if vomited or swallowed.

Repeated high-dose consumption: Nervous system and Hearing damage (particularly in combination with loud noises). Animal studies suggests developmental abnormalities (abortion, low birth weight, hearing abnormalities). Not known to be cancer-causing.

In summary

Many of the effects are similar – almost all cause local irritation to nose, throat and stomach; nervous system effects ranging from confusion to coma and death. Liver and Kidney damage are possible, as well as effects on reproduction

Because of the hazardous nature of chemicals, little human data is available, particularly for long-term effects. Although a chemical is not known to be cancerous, this should not be interpreted as there being no danger.

Most studies have looked at animal/occupational exposure. There is far more information on inhalation effects in general than ingestion.

Please contact me if there are any further questions.

Yours sincerely



Dr. Subhashis Basu
MBChB, BMedSci(Hons), MA, MPH, MRCP
Specialist Registrar

Licensing Act 2003

Section 51

**REVIEW OF A PREMISES LICENCE UNDER SECTION 51 OF THE
LICENSING ACT 2003**

Notice is given that

**Sheffield City Council, being the Licensing Authority is required to
undertake a**

REVIEW OF THE PREMISES LICENCE

In respect of the premise shown below. Any interested party or responsible authority may make representations in respect of the application, which must be submitted, in writing, to the authority at the address below before the date shown below:

Name and postal address of the premises

**Rhythm & Booze
783-785 Abbeydale Road
Sheffield, S7 2BH**

The grounds for the application for review are

**The Prevention of Crime and Disorder, Public Safety and the
Protection of Children from Harm**

Representations must be made between the

10th November 2015 and 7th December 2015

In writing to the Sheffield City Council, Licensing Service, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD. The Licensing Registry can be viewed at the above address Monday to Friday 10am until 4pm. Telephone 0114 2734264.

It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on conviction for this offence is a fine not exceeding £5,000.

For information on representations, please see
www.sheffield.gov.uk/licensinginforesidents



Licensing Service
Place Portfolio
Business Strategy & Regulation
Block C Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD

Tel: 0114 273 4264

Email: licensing@sheffield.gov.uk

Our Ref: LIC/ref 280/SY 0416 PR/SY 0293 PR/SY 0201 PR - JG
Date: 9th November 2015

Mr Jigar Mayankkumar Patel
47 Broadway
London
E15 4BQ

Dear Sir,

Licensing Act 2003
Section 51 – Review of a Premises Licence

Three applications for review of a Premises Licence have been received today from David Palmer (for and behalf of Trading Standards) for: **Rhythm & Booze – 783-785 Abbeydale Road S7 2BH, 13 Brooklands Avenue S10 4GA & 8 Middlewood Road S6 4GX.**

These have been served on you as the Premises Licence Holder. Please read the application forms served on you by Trading Standards to familiarise yourself with the grounds for the review.

Trading Standards are also required to serve a copy of the application on the Responsible Authorities under the Licensing Act 2003. A list of these authorities is enclosed with this letter.

The Licensing Authority is now required under the Licensing Act 2003 to place a notice, visibly on these premises in order that members of the public may make comments regarding the reviews. **This notice must not be removed until the last day for representations on 7th December 2015.**

You may, if you wish, provide your own comments on these reviews, in writing, to the address shown on the notice.

I have attached a copy of the notice.

If you have any queries regarding this review, please contact my officer Miss Jayne Gough on 0114 2734264.

I will contact you again to inform you of the next stage of the reviews.

Yours sincerely

A handwritten signature in black ink, appearing to read "Steve Lonnia". The signature is written in a cursive style with a large initial "S".

Steve Lonnia
Head of Licensing Service

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

Tel: 0114 273 4264 · Fax: 0114 273 4073
E-mail: licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk/licensingact
Date: 10th February 2015

Mr J M Patel
Teddington Hands Inn
Eversham Road
Teddington
GL20 8NE

Dear Sir,

Licensing Act 2003: Transfer Premises licence
Premises: Rhythm & Booze, 783-785 Abbeydale Road, Sheffield, S7 2BH
Premises Licence Number: SY 0416 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.

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

Gary Conway

Licensing Enforcement and Technical Officer

Enquiries to: **0114 2734264**

Enc.

THE LICENSING ACT 2003

Premises Licence No: SY 0416 PR

ISSUE NO: 18.

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

Rhythm & Booze
783-785 Abbeydale Road
Sheffield
S7 2BH

Telephone Number: 0114 258 0576

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

1. Sale by retail of alcohol:

a) for consumption off the premises

Sunday	10:00 to 22:30 hours
Monday - Saturday	08:00 to 23:00 hours
Good Friday	08:00 to 22:30 hours
Christmas Day	12:00 to 15:00 and 19:00 to 22:30 hours

The opening hours of the premises are:

Sunday	10:00 to 22:30 hours
Monday - Saturday	08:00 to 23:00 hours
Good Friday	08:00 to 22:30 hours
Christmas Day	12:00 to 15:00 and 19:00 to 22:30 hours

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

Sale by retail of alcohol for consumption off the premises.

PLEASE NOTE:

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

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

PART 2

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

Mr Jigar Mayankkumar Patel
Teddington Hands Inn
Eversham Road
Teddington
GL20 8NE

Telephone Number: 07850280955

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

N/A

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

Mr Jigar Mayankkumar Patel
Teddington Hands Inn
Eversham Road
Teddington
GL20 8NE

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: LBHIL1192
Issuing Authority: London Borough of Hillingdon

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: 23rd January 2006.

Steve Lonnia

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

Sheffield City Council – For Office use only	
Variation of Premises Licence	No: Issue Date:
Variation of DPS	No: 11 Issue Date: 21/11/14
Transfer of Premises Licence	No: 3 Issue Date: 20/1/2015

Minor Variation	No:	Issue Date:
Change of Name/Address	No: 2	Issue Date: 11/06/2011

Annex 1A – Mandatory Conditions

Mandatory Condition 1 (Section 19 ss 2)

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

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

Mandatory Condition 2 (Section 19 ss 3)

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

Mandatory Condition 3 (Section 20)

1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:
 - (a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).
 - (b) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.
2. In this section -
“children” means persons aged under 18; and
“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory Condition 4 (Section 21)

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

Annex 1B - Mandatory Condition effective from 28th May 2014:

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Annex 1C - Mandatory Conditions effective from 1st October 2014:

- 1.—(1) The responsible person must 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—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) 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;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.—(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must 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;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Annex 2 – Conditions consistent with the operating schedule

1. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

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

25

Appendix 1

LICENSING ACT 2003

Premises Licence Summary

ISSUE NO: 18.

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 0416 PR**

Rhythm & Booze
783-785 Abbeydale Road
Sheffield
S7 2BH

Telephone Number: 0114 258 0576

Licensable activities authorised by the licence:

1. Sale by retail of alcohol:

a) for consumption off the premises

Sunday	10:00 to 22:30 hours
Monday - Saturday	08:00 to 23:00 hours
Good Friday	08:00 to 22:30 hours
Christmas Day	12:00 to 15:00 and 19:00 to 22:30 hours

The opening hours of the premises are:

Sunday	10:00 to 22:30 hours
Monday - Saturday	08:00 to 23:00 hours
Good Friday	08:00 to 22:30 hours
Christmas Day	12:00 to 15:00 and 19:00 to 22:30 hours

PLEASE NOTE:

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

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

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

Sale by retail of alcohol for consumption off the premises.

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

Mr Jigar Mayankkumar Patel

Teddington Hands Inn
Eversham Road
Teddington
GL20 8NE

Telephone Number: 07850280955

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

N/A

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

Mr Jigar Mayankkumar Patel

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: 23rd January 2006.



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

Appendix B

Sheffield Safeguarding Children's Board
Representation

Gough Jayne (CEX)

From: Bower Claire on behalf of licensingservice
Sent: 26 November 2015 10:02
To: Gough Jayne (CEX)
Subject: FW: REPRESENTATION IN RESPONSE TO APPLICATION TO REVIEW THE PREMISES LICENCE: RHYTHM & BOOZE, 783 TO 785 ABBEYDALE ROAD
Attachments: Rhythm & Booze 783 to 785 abbeydale road.pdf
Importance: High

From: Hague Julie
Sent: 25 November 2015 12:01
To: licensingservice
Subject: REPRESENTATION IN RESPONSE TO APPLICATION TO REVIEW THE PREMISES LICENCE: RHYTHM & BOOZE, 783 TO 785 ABBEYDALE ROAD
Importance: High

For the attention of the Licensing Authority

1

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 for the consideration of the Licensing Sub Committee.

Thank you.

Julie Hague
Licensing Project Manager, Sheffield Safeguarding Children Board
Floor 3, Howden House, Union Street, Sheffield S1 2JQ
0114 2736753
07854 219682
julie.hague@sheffield.gov.uk



Address correspondence to:

Julie Hague
Sheffield Safeguarding Children
Board - Licensing Project
Floor 3
Howden House
Union Street
Sheffield S1 2SH
Telephone: 0114 2736753
Email: Julie.hague@sheffield.gov.uk
Fax: 0114 2734628

25.11.15

The Licensing Authority
Town Hall
Surrey Street
Sheffield

Dear Sirs

**APPLICATION TO REVIEW THE PREMISES LICENCE: RHYTHM & BOOZE, 783 – 785
ABBEYDALE ROAD, SHEFFIELD S7 2BH**

I am writing to make a representation on behalf of the Safeguarding Children Board as the Responsible Authority for the protection of children from harm under the Licensing Act 2003. The reason for the representation is that the above premise has been evidenced to operate in an irresponsible and illegal way that undermines the core objective for the protection of children from harm, under the Licensing Act 2003.

The evidence submitted by Sheffield City Council Trading Standards demonstrates that counterfeit and illicit alcohol products have been sold at the premises. The Safeguarding Children Board is concerned that these products, which are expected by the public to be legitimate and regulated products, may cause physical harm if consumed by persons under the age of 18. There is potential for children and young people to easily access these products, for example if the products have been legally consumed in a domestic setting, or if the products are accessed by underage or 'proxy sales'.

The Safeguarding Children Board will submit a further report in support of this representation, prior to the review hearing.

In light of the issues identified, the Safeguarding Children Board would ask the Licensing Sub Committee to take positive action to address the concerns presenting at this premise.

Yours sincerely

A handwritten signature in black ink that reads 'Julie Hague'.

JULIE HAGUE
Licensing Project Manager
Sheffield Safeguarding Children Board

Appendix C

Hearing Notices

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

David Palmer
Sheffield Trading Standards
2-10 Carbrook Hall Road
Sheffield
S9 2DB

The Sheffield City Council being the licensing authority, on 9th November 2015 received an application for a review of Premises Licences in respect of premises known as Rhythm & Booze, 8 Middlewood Road, Sheffield, S6 4GX; Rhythm & Booze, 13 Brooklands Avenue, Sheffield, S10 4GA & Rhythm & Booze, 783-785 Abbeydale Road, Sheffield, S7 4BH.

During the consultation period the Council has received representations from Sheffield Safeguarding Children's 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 **4th January 2016 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 reviews you have made in connection with these particular premises and the four core objectives.
2. You may also be asked questions by the parties to the hearing, relating to the reviews.

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 14th December 2015

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.

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

Mr Jigar Mayankkumar Patel
47 Broadway
London
E15 4BQ

The Sheffield City Council being the licensing authority, on the 9th November 2015 received an application for a review of Premises Licences in respect of premises known as Rhythm & Booze, 8 Middlewood Road, Sheffield, S6 4GX; Rhythm & Booze, 13 Brooklands Avenue, Sheffield, S10 4GA & Rhythm & Booze, 783-785 Abbeydale Road, Sheffield, S7 2BH.

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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 14th December 2015

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.

**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

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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 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 14th December 2015

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.

Appendix D

Regulations / Procedures

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

David Palmer
Sheffield Trading Standards
2-10 Carbrook Hall Road
Sheffield
S9 2DB

The Sheffield City Council being the licensing authority, on 9th November 2015 received an application for a review of Premises Licences in respect of premises known as Rhythm & Booze, 8 Middlewood Road, Sheffield, S6 4GX; Rhythm & Booze, 13 Brooklands Avenue, Sheffield, S10 4GA & Rhythm & Booze, 783-785 Abbeydale Road, Sheffield, S7 4BH.

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

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 14th December 2015

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.

LICENSING ACT 2003

**Form LAR 1
Regulation 8**

Premises: Rhythm & Booze, 8 Middlewood Road, S6 4GX
Rhythm & Booze, 13 Brooklands Ave, S10 4GA
Rhythm & Booze, 783-785 Abbeydale Road S7 4BH
Type of App: Review of a premises licence
Hearing Date: 4th January 2016

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 **14th December 2015** and notify you as follows **(please complete)**:

- I intend to attend the hearing on **4th January 2016 at 10.00am**
- 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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