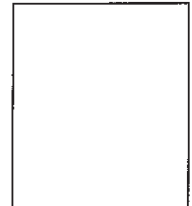




**SHEFFIELD CITY COUNCIL
Licensing Sub Committee
Report**



Report of: Chief Licensing Officer, Head of Licensing

Date: 3rd September 2013

Subject: Licensing Act 2003

Author of Report: Matt Proctor

Summary: To consider an application to review a premises licence made under the Licensing Act 2003.

Spar (fka Bargain Booze), 392-394 Richmond Road, Sheffield, S13 8LZ

Recommendations: That members carefully consider the representations made and take such steps, as the Sub 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 53 / 13

LICENSING ACT 2003

Review of Premises Licence

Spar (fka Bargain Booze), 392-394 Richmond Road, Sheffield, S13 8LZ

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 Spar (fka Bargain Booze), 392-394 Richmond Road, Sheffield, S13 8LZ.

2.0 THE APPLICATION

- 2.1 The application is made by Sheffield City Council Trading Standards and was received by the Licensing Service on 17th July 2013.
- 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. A copy of the current premises licence is included in this section at pages A9 – A13.

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The Licensing Authority must under the Act refer any application for review to the Licensing Committee, unless it is withdrawn, or if representations are made by an interested party that the Licensing Authority are of the opinion are frivolous or vexatious.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' |
| b) | Sheffield City Council Health Protection Service | Appendix 'C' |
- 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 'D'.

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

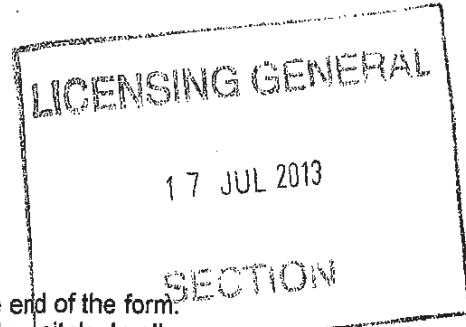
Steve Lonnia,
Chief Licensing Officer
(Head of Licensing)

3rd September 2013

Appendix A

Application for Review – Sheffield City Council Trading Standards

**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 Bargain Booze 392-394 Richmond Road	
Post town Sheffield	Post code S13 8LZ
Telephone number (if any)	
Name of premises licence holder or club holding club premises certificate (if known) Faisal Shahzad	
Number of premises licence or club premises certificate (if known) SY 0443 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

A2

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)

A3

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 8th February 2013 SY Police received information that a member of the public who believed he had been sold counterfeit vodka.
2. On 9th February 2013 SY Police visited the premises and seized a large quantity of Kommissar Vodka and Selekt Vodka.
3. Trading Standards Officers examined the Vodka on 11th February and carried out informal screen tests on the products. The ABV of both products was well below that declared and so Formal samples were taken and sent for analysis.
4. The Selekt Vodka was found to contain industrial contaminants, isopropanol, tertiary-butanol and chloroform and had an ABV of 24.0%. The Kommissar Vodka contained isopropanol, tertiary-butanol and had an ABV of 22.2%. Neither product could legally be called vodka.
5. The trade mark holders both confirmed the products as being counterfeit.
6. Counterfeit and illicit spirits are known to contain dangerous industrial chemicals and other contaminants and are made without the quality control measures employed by genuine brand manufacturers. Such products have no genuine batch codes or identification details of the actual manufacturer which makes traceability of the products impossible. Also the ABV declared on the label is uncontrolled and often inaccurate. As a result the public's safety is at risk when consuming these products, particularly during binge drinking and even when being consumed more responsibly on a regular basis.
7. Children and young people who drink illicit and counterfeit spirits 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 of these products and the inconsistency of the declared ABV.

Please provide as much information as possible to support the application

(please read guidance note 2)

AL4

1. The visit was made as a result of a consumer complaint.
2. The illicit vodka was kept separately behind the counter whereas legitimate vodka was displayed on the gantry.
3. Kommissar vodka was being sold at 2 (35ml) for £8.00 which is less than the excise duty and VAT which is payable on the product.
4. Selling illicit vodka at below duty/Vat prices also creates unfair competition for traders selling legally and responsibly.
5. The licensee admitted to purchasing the products from a non-legitimate source and was unable to produce receipts or identify his supplier. By doing so, he knew, or should have known that he was entering into an illegal activity.

Please tick ✓ yes

A5

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

If yes, please state the date of that application

Day		Month		Year	

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

AG

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 *D. Palmer*

Date 16/7/13

Capacity PRINCIPAL 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)	

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.

A7

Sheffield
City Council



THE LICENSING ACT 2003

Premises Licence No: SY 0443 PR Issue No. 13.

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

Bargain Booze (fka Spar)
392-394 Richmond Road
Sheffield
S13 8LZ

Telephone Number: 0114 2651 888

Where the licence is time limited, the dates:

Not applicable.

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

1. Sale by retail of alcohol:

(a) for consumption off the premises

Sunday	10:00 to 22:30 hours
Monday	08:00 to 23:00 hours
Tuesday	08:00 to 23:00 hours
Wednesday	08:00 to 23:00 hours
Thursday	08:00 to 23:00 hours
Friday	08:00 to 23:00 hours
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:

As times detailed above. The times detailed above are without prejudice to the right of the premises licence holder to open the premises at other times for any activity which is not a licensable activity authorised by and within the provisions of this premises licence and which is not otherwise a licensable activity by virtue of the Licensing Act 2003.

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.

AS

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

Sale by retail of alcohol for consumption off the premises.

PART 2

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

Faisal Shahzad
28 St. Ronans Road
Sheffield
S7 1DX

Telephone Number: 0733366878

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:

Thalib Hussain
28 St. Ronans Road
Sheffield
S7 1DX

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 3261 Per
Issuing Authority: Sheffield City Council

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

Restricted.

This Premises Licence shall be in force from the Second Appointed Day.

Issued on: 26th October 2005.



.....
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		
Variation of DPS	14	Granted 23 rd June 2009
Transfer of Premises Licence	1	Granted 23 rd June 2009
Amendment to Premises Licence	1	Granted 16 th April 2012

Annex 1 – 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 licenced by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating schedule

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

1. 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.

All

Appendix 1

WITNESS STATEMENT

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

URN

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Statement of Angela Mary ROLLETT

Age if under 18 Over 18 (If over 18 insert "over 18") Occupation: Police Constable 3460

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature A Rollett 3460 (witness) Date: 16/17/13

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

I am a South Yorkshire Police Constable currently stationed at Attercliffe Police Station.

At 16.24hrs on Saturday 9th February 2013 I was on duty in full police uniform in company with PC 683 Parker, SPC 7298 Ahmed, PC 3745 Oakes and PC 402 Addinall when, as a result of information received I attended at Bargain Booze, 392 Handsworth Road, Richmond, Sheffield. There I spoke to the shopkeeper, a male I now know to be Thalib HUSSAIN, born 27.06.82 and the following conversation took place:-

3460 "I HAVE RECEIVED INFORMATION THAT THERE IS COUNTERFEIT ALCOHOL BEING SOLD FROM YOUR PREMISES. AS SUCH YOU ARE UNDER ARREST ON SUSPICION OF TRADE MARK OFFENCES. YOU DO NOT HAVE TO SAY ANYTHING BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION WHEN QUESTIONED SOMETHING YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN IN EVIDENCE. IT IS NECESSARY TO ARREST YOU FOR A PROMPT AND EFFECTIVE INVESTIGATION".

HUSSAIN made no reply. He was placed in the rear of a police vehicle and conveyed to Attercliffe Police Station where he was documented, searched and detention authorised.

I subsequently commenced a search under Section 32 Police and Criminal Evidence Act 1984 of the shop premises and recovered the following items:-

AMR/1- 1 open box of Kommissar vodka containing 15 x37cl bottles from floor behind the counter

AMR/2- 2 x 37cl bottles of Kommissar vodka from shelving unit from shelving unit behind counter

AMR/3- 6 X bottles of 70cl Selekt vodka from shelving unit behind counter

Signature: A Rollett 3460 Signature Witnessed by:

Continuation of Statement of: Angela Mary ROLLETT

Page 2

AMR/4- 6 x bottles of 350ml Smirnoff vodka from shelving unit behind counter

AMR/5- 11 x bottles of 10cl Smirnoff vodka from shelving unit behind counter

AMR/6- 1 open box of 3 bottles of Selegt vodka from storeroom

AMR/7- 27 full boxes of 37cl Kommissar vodka from storeroom.

At 17.45hrs the search was completed.

At 17.50hrs the same date I commenced a search of a white Toyota Hiace van, registration number V890 MLG. From the rear of the vehicle I recovered an empty white cardboard box bearing the word 'Kommissar' vodka on it. This box was the same in appearance as exhibit AMR/7. I can identify it by means of a signed exhibit label attached thereto, AMR/8 refers. At 17.55hrs the search of the vehicle was concluded.

At 20.47hrs the same date I was present at Moss Way Police Station when I commenced an interview with HUSSAIN. Also present was PC 683 Parker and Karen Moxon-Smith, a legal representative. At 21.39hrs the interview was concluded. HUSSAIN signed the disc sealing label, which I also signed before the master disc was sealed in his presence. I can identify the master disc, reference number H/P12/536/13/1 by means of a signed exhibit label attached thereto, AMR/9 refers.

At 22.23hrs I was present when HUSSAIN was remanded on police bail to re-appear at Moss Way Police Station on Wednesday 13th March 2013.

At 12.00hrs on Monday 11th March 2013 I was on duty at Attercliffe Police Station when, by prior arrangement I met Michael Anthony William RUSSELL, head of Quality Assurance for Nisa retail Ltd. I handed to him one of the bottles of vodka from exhibit AMR/7 which he retained in his possession.

Following our meeting I contacted the suspect HUSSAIN and released him from his police bail.

Signature: A Rollett 3450 Signature Witnessed by:

Appendix B

Representation – Sheffield Safeguarding Children Board



BI

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

18th July 2013

The Licensing Authority
Town Hall
Surrey Street
Sheffield

Dear Sirs

**APPLICATION TO REVIEW THE PREMISES LICENCE: BARGAIN BOOZE, 392 – 394
RICHMOND ROAD, SHEFFIELD S13 8LZ**

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 premises has failed to meet 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 alcohol products have been sold at the premises. The Safeguarding Children Board is concerned that these products, whether consumed by children legally (for example if purchased at the premises and consumed within an unlicensed environment) or accessed through underage or proxy sales, are of a type and constitution that may cause harm to children.

At a meeting on 8.7.13 with Mr Hussain, the Designated Premises Supervisor, a discussion took place to establish what safeguarding systems are in place to prevent underage sales. Mr Hussain was in possession of a Responsible Retailer pack, previously provided by Trading Standards, however training records had not been completed between 24.9.10 and 10.5.13 and the refusals log that was evidenced contained a last entry dated February 2012. A discussion took place about the lack of signage to promote the age verification scheme and it was noted that whilst Mr Hussain stated that the Challenge 25 scheme was in place, the member of staff spoken to earlier at the till had stated that the Challenge 21 scheme was in place. This evidence suggests that the age verification scheme is neither robust or consistent and may allow children and young people access to alcohol via underage sales.

Continued .../

B2

The premises is located in an area that has been identified by South Yorkshire Police as a 'hot spot' area where underage drinking and associated anti social behaviour takes place and partnership work is currently being undertaken to set up a 'Community Alcohol Project'(CAP) to address the issue. All licensed premises in the hot spot area have been invited to participate in the project which aims to raise operational standards: Mr Hussain has been invited to participate in the project and future compliance with the Community Alcohol Project criteria should assist Mr Hussain to improve operational standards with regard to preventing underage sales. However, participation in the CAP project is voluntary with no enforcement or mandatory provisions to ensure that a robust age verification system is in plac and the current premises licence does not bear any relevant conditions to ensure enforcement of the necessary systems.

In light of the above, the Safeguarding Children Board would ask the Licensing Sub Committee to take positive action to address the concerns presenting at this premise for the protection of children from harm.

Yours sincerely

JULIE HAGUE
Licensing Project Manager

Appendix C

Representation – Sheffield City Council Health Protection Service

CI

Place
Business Strategy and Regulation

Sheffield
City Council



Director of Business Strategy and Regulation: Mick Crofts
Health Protection Service
2-10 Carbrook Hall Road • Sheffield • S9 2DB
Fax No. (0114) 273 6464

Officer: S Gibbons
Ref: bargain booze/sg3

Tel: 0114 273 4616
Date: 23 July 2013

Mr Faisal Shahzad
28 St. Ronans Road
Sheffield
S7 1DX

Dear Sir

Health And Safety At Work etc Act 1974
Licensing Act 2003

Premises: Spar, 394 Richmond Road, Sheffield, S13 8LZ

Please note that this has been re-submitted from a previous Representation dated 11 July 2013, and re-submitted due an administrative error in the submission of the original Review papers.

I write with reference to my visit to the above premises as the responsible authority for public safety on 18th and 20th June 2013, my letter dated 20 June 2013 and subsequent telephone calls, in connection with the application to review the premises licence made by Sheffield Trading Standards.

During my visits on 18th June I noted several concerns with respect to the electrical installation and made a subsequent revisit on the 20th June to discuss with Mr Thalib Hussain.

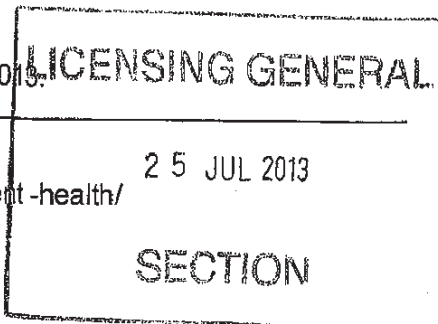
I was told during my visit and subsequent telephone calls that you have employed an electrical engineer to undertake the relevant works in order to provide a satisfactory electrical certificate to ensure that the electrical installation is in a safe condition. We agreed that the electrical certificate would be provided to this Service no later than 10th July 2013.

As I have not received this documentation I feel that I have little option but to make this representation to support the application.

For your convenience, I attach my letter dated 20 June 2013.

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

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



I trust the aforementioned information will enable you to take the appropriate action, however, should you have any queries, please contact me on the telephone number shown.

Yours faithfully



Mr S Gibbons
Environmental Health Officer

Enc

Copy Via Post Mr Thalib Hussain
 Spar
 394 Richmond Road
 Sheffield
 S13 8LZ

Licensing General
Block C Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD

The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 now require Sheffield City Council to disclose, on request by any party, information we hold. This requirement is subject only to limited exceptions. You should be aware that under this legislation the Council will be obliged to disclose information about your premises to any person making a request for such information.

Further information can be obtained from the following websites:-

www.sheffield.gov.uk/your-city-council/policy--performance/freedom-of-information
www.informationcommissioner.gov.uk/
www.foi.gov.uk/

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

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

C3

**Place
Business Strategy and Regulation**

**Sheffield
City Council**



Director of Business Strategy and Regulation: Mick Crofts
Health Protection Service
2-10 Carbrook Hall Road • Sheffield • S9 2DB
Fax No. (0114) 273 6464

Officer: S Gibbons
Ref: bargain booze/sg

Tel: 0114 273 4616
Date: 20 June 2013

Mr Faisal Shahzad
28 St. Ronans Road
Sheffield
S7 1DX

INSPECTOR'S COPY

LICENSING GENERAL

25 JUL 2013

SECTION

Dear Sir

**Health And Safety At Work etc Act 1974
Licensing Act 2003**

Premises: Spar, 394 Richmond Road, Sheffield, S13 8LZ

I write with reference to my visit to the above premises as the responsible authority for public safety on 18th and 20th June 2013. These visits were made in connection with the application to review the premises licence as made by Sheffield Trading Standards.

During my visits on 18th June I noted several concerns with respect to the electrical installation and made a subsequent revisit on the 20th June to discuss with Mr Thalib Hussain.

I would confirm that the following items of works, which were brought to attention during the site visit, require attention forthwith.

1. A satisfactory electrical certificate for the premises should be current and available for inspection. The test must be in accordance with the IEE Regulations and carried out by a competent person.
2. Various wires/sockets etc that are either damaged or exposed must be removed. Mr Thalib stated that none of the above exposed/damaged electrical components were live and they had been isolated by the electrician.
3. A sufficient number of electrical sockets must be provided in a conveniently

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

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

CL4

accessible position away from hazard areas. Prior consideration should be given to the numbers of sockets to be installed having regard to the electrical equipment to be used to prevent the need to use multiple adapters and extension leads.

- 4. Suitable and sufficient lighting must be provided to all staff areas to enable employees and non employees to work and move about safely.
- 5. All new electrical installations must be in accordance with the current edition of the Institute of Electrical Engineers Regulations.
- 6. The missing door leading from the shop to the staff areas must be re-fitted to prevent unauthorised access to these areas.

Please confirm to me within 14 days of receipt of this letter as to your intended actions to resolve the above items.

I trust the aforementioned information will enable you to take the appropriate action, however, should you have any queries, please contact me on the telephone number shown.

Yours faithfully

Mr S Gibbons
Environmental Health Officer

Copy Via Post Mr Thalib Hussain
 Spar
 394 Richmond Road
 Sheffield
 S13 8LZ

The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 now require Sheffield City Council to disclose, on request by any party, information we hold. This requirement is subject only to limited exceptions. You should be aware that ~~under this legislation the Council will be obliged to disclose information about your premises to any person making a request for such information.~~

Further information can be obtained from the following websites:-

- www.sheffield.gov.uk/your-city-council/policy--performance/freedom-of-information
- www.informationcommissioner.gov.uk/
- www.foi.gov.uk/

Appendix D

Hearing Notices / Regulations / Procedure

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

Mr David Palmer
Sheffield City Council
Trading Standards (Weights & Measures Authority)
2-10 Carbrook Hall Road
Sheffield
S9 2DB

The Sheffield City Council being the licensing authority, on the 17th July 2013 received an application from you for a review of a Premises Licence in respect of premises known as Spar (formerly Bargain Booze), 392-394 Richmond Road, Sheffield, S13 8LZ.

During the consultation period the Council also received representations from Sheffield Safeguarding Children Board and Sheffield City Council Health Protection Service.

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 Tuesday 3rd September 2013 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 19th August 2013

Signed _____ Matt Proctor _____
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**

To: Mr Faisal Shahzad
28 St Ronans Road
Sheffield
S7 1DX

The Sheffield City Council being the licensing authority, on the 17th July 2013 received an application from Sheffield City Council Trading Standards for a review of a Premises Licence in respect of premises known as Spar (formerly Bargain Booze), 392-394 Richmond Road, Sheffield, S13 8LZ.

During the consultation period the Council also received representations from Sheffield Safeguarding Children Board and Sheffield City Council Health Protection Service.

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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 19th August 2013

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**

Sean Gibbons
Sheffield City Council
Health Protection Service
2-10 Carbrook Hall Road
Sheffield
S9 2DB

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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 19th August 2013

Signed _____ Matt Proctor _____
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 a premises
licence and any relevant representations**

Julie Hague
Licensing Project Manager
Sheffield Safeguarding Children Board

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Dated 19th August 2013

Signed _____ Matt Proctor _____
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 a premises
licence and any relevant representations**

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

The Sheffield City Council being the licensing authority, on the 17th July 2013 received an application from Sheffield City Council Trading Standards for a review of a Premises Licence in respect of premises known as Spar (formerly Bargain Booze), 392-394 Richmond Road, Sheffield, S13 8LZ.

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

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

Licensing Act 2003 – Hearing Procedure – 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 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 both by Members and the applicant.
 - (c) The Licensing Officer will introduce in turn representatives for the Responsible Authority and Interested Parties who will be asked to detail their relevant representations.
 - (d) Members may ask questions of those parties
 - (e) With the leave of the Chair the applicant or his representative may cross examine the representatives of the Responsible Authorities and Interested Parties.
 - (f) The applicant/licensee (or his/her nominated representative) will then be asked to:-
 - (i) detail the application;
 - (ii) provide clarification on the application and respond to the representations made.
 - (g) The applicant/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.
 - (h) The applicant will then be given the opportunity to sum up the application.
 - (i) The Licensing Officer will then detail the options.
 - (j) 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 Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.