

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 22 December 2016

**PRESENT:** Councillors Alan Law (Chair), Kieran Harpham and Bob Pullin

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#### **1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Vickie Priestley.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. LICENSING ACT 2003 - A&E NEWS, 128 MANSFIELD ROAD, SHEFFIELD S12 2AQ**

4.1 The Chief Licensing Officer submitted a report to consider an application for a review of a Premises Licence made under Section 51 of the Licensing Act 2003, in respect of the premises known as A & E News, 128 Mansfield Road, Sheffield S12 2AQ (Case No.143/16).

4.2 Present at the meeting were Nadeem Qamar (Premises Licence Holder (PHL)), Nosheen Zameer (Designated Premises Supervisor, (DPS)), Julie Hague (Licensing Manager, Sheffield Safeguarding Children Board (SSCB)), Cheryl Topham (Licensing Officer, South Yorkshire Police), Inspector Jason Booth (Local Inspector, South Yorkshire Police), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations had been received from South Yorkshire Police and Sheffield Safeguarding Children Board and were attached at Appendix "B" to the report.

4.5 Cheryl Topham stated that since the premises licence was granted in October, 2015, there have been a number of test purchases carried out at the property, and on three occasions the test purchases failed, which prompted this review. Cheryl Topham further stated that there had been other issues at the premises including problems downloading CCTV, anti-social behaviour by youths hanging around outside the shop and an allegation of paying the wages of paperboys with

cigarettes. Following the first failed test purchase in November, 2015, Ms. Topham stated that she and Julie Hague visited the premises and gave the owner an information pack, put together by South Yorkshire Police, which provided useful information on how to avoid underage sales. She added that she also gave the owner a refusals book and Challenge 25 posters to be displayed within the premises and informed him that his wife, as DPS, should be made aware of their visit and invited them both to attend training courses, which take place every three months and are run by SSCB in partnership with Trading Standards and South Yorkshire Police to assist licence holders to deal with safeguarding issues and ensure that the licensing objectives are adhered to.

- 4.6 Cheryl Topham stated that following the second failed test purchase on 2<sup>nd</sup> July, 2016, she was informed by the Police Officer that had attended, that when he had questioned the shop assistant, she informed him that she had only worked there for one week and was not fully trained, but she had been left in the shop on her own. Ms. Topham further stated that she and Julie Hague had visited the premises on the 8<sup>th</sup> July and the owner advised them that his assistant had been trained in matters regarding the running of the shop, including age verification.
- 4.7 Inspector Jason Booth stated that he was responsible for the South East Sheffield Local Policing Team which deals primarily in trying to solve problems around quality of life issues, community safety and responding to matters within the community and felt that the effects of alcohol on young people can be detrimental to young people and therefore his Team place great emphasis on the importance of carrying out test purchase operations on a regular basis to all licensed premises in the area.
- 4.8 Julie Hague stated she had become aware of issues at the premises following evidence from the Police regarding the three failed test purchases and had concerns over the selling of alcohol to underage children. Julie Hague further stated that she had attended the premises in November, 2015 following the first failed test and had offered to send to the owners details of the courses run by the Safeguarding Board. She added that the owners were receptive and that Nosheen Zameer had attended one of the courses and that there had been some improvement since July, 2016, but these improvements had not been acted upon quick enough and there was no evidence of staff being trained. She added that there were no records to show that proper training had been given to staff and that a training regime needed to be put in place at the premises. Julie Hague also noted that when she had visited the premises, the DPS was not present.
- 4.9 Nosheen Zameer stated that she and her husband had taken over the running of the shop in August, 2015, and had found it difficult to get good staff to work for them. She stated that she was the DPS for the business, but was unable to be at the shop for the whole of the opening hours, due to the fact that she has a three year old child to take care of. Nosheen Zameer further stated that she had attended one of the courses run by the Safeguarding Team, but at the time when the second refresher course had been offered, she was out of the country visiting relatives. Nosheen Zameer went on to add that she and the PLH were law-abiding citizens and she felt they were the victims of crime due to the amount of shoplifting and anti-social behaviour carried on in and around their premises. She

further stated that there was CCTV at the premises, but that it was inadequate and did not cover all areas.

- 4.10 Nadeem Qamar stated that the shop assistant had received full training regarding the running of the shop and that he had asked her to attend the course offered and she said she would, but had failed to attend. Mr. Qamar stated that he had explained the seriousness of selling alcohol to children and that it was important she attended the next course when offered. Mr. Qamar further stated that he had run an off-licence business for the past four years and this was the first time he had been in trouble.
- 4.11 In response to questions from Members of, and Solicitor to, the Sub-Committee, and officers in attendance, Nosheen Zameer stated that she had asked her assistant to attend training and had trusted her when she said she would. She added that she had reason to believe that the assistant had assisted a theft from the premises but they had been unable to follow this up with her as she had been unable to contact her since the beginning of October. She went on to state that she and her husband have been able to repair the CCTV system, but it was old and, for the time being, they were unable to purchase a more up to date system. Nadeem Qamar stated that his wife was now fully trained, but he was unable to attend any training courses due to the fact that he opens and closes the shop every day, seven days a week. Mr. Qamar added that he had displayed more Challenge 25 posters around the premises and had installed another camera to the rear of the shop. Mr. Qamar stated that there was a problem of youths congregating outside, not only his premises, but in the area in general. He further stated that he does ask the youths to move on, often without success, but considered that reporting incidents to the Police was a waste of time as nothing was done.
- 4.12 Cheryl Topham summarised the case and stated that it was evident that there had been a major problem with the shop assistant who had assisted with the theft from the premises but she was encouraged by the fact that the shop closed at 7.00 p.m. each night and that she would send an officer to help with training and other matters.
- 4.13 Clive Stephenson reported on the options open to the Sub-Committee, as set out in the report.
- 4.14 **RESOLVED:** That the public and press and attendees involved in the hearing be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.15 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.16 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.17 RESOLVED: That the Sub-Committee agrees to modify the conditions of the Premises Licence in respect of the premises known as A&E News, 128 Mansfield Road, Sheffield, S12 2AQ, as follows:-

- (a) all staff to be trained on age related products and sign a record book to say that the training has been received. Refresher training to be given at regular intervals;
- (b) all cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:
  - details of the time and date the refusal was made;
  - the name of the staff member refusing the sale;
  - a description of the person who attempted the purchase;
  - details of the alcohol the person attempted to purchase;
- (c) successful challenges to be recorded in addition to those that resulted in refusal;
- (d) the refusal register will be available for inspection by a police or authorised officer on request;
- (e) a person with either a personal licence or who has satisfactorily completed the Sheffield Safeguarding Children Board training must be on the premises at all times that alcohol is available for sale;
- (f) written training records to be kept, to be signed and dated by staff and these records to be made available for inspection by officers;
- (g) an incident log to be kept relating to all incidents of anti-social behaviour, crime and/or disorder, whether reported to the police or not;
- (h) existing Condition 1 be removed from the licence; and
- (i) existing Condition 2 to be amended to read:-

A CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open (in line with Specification 2016). The CCTV images will be stored for 31 days and police and authorised officers of the Council will be given access to images for purposes in connection with the prevention and detection of crime and disorder. Members of the management team will be trained in the use of the system.

(The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)