

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 1 June 2017

PRESENT: Councillors Josie Paszek (Chair), George Lindars-Hammond and Gail Smith

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Jack Clarkson attended as a reserve Member, but was not required to stay.

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 - PAGE HALL OFF LICENCE, 81-83 PAGE HALL ROAD, SHEFFIELD S4 8GU

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Page Hall Off Licence, 81-83 Page Hall Road, Sheffield S4 8GU (Ref No.63/17).

4.2 Present at the meeting were Shokat Ali (Applicant), Paul Henocq (Solicitor for the Applicant), John Maher (Trading Standards), Alicia Marsden (South Yorkshire Police), Cheryl Topham (South Yorkshire Police), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Samantha Bond 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 objections had been received from Trading Standards and South Yorkshire Police and were attached at Appendix "C" to the report.

4.5 John Maher outlined the history of the premises which were previously known as Double Diamond and stated that on 15th July, 2014, over 11,000 illicit cigarettes were found on the premises by Trading Standards Officers and at that time, Shokat Ali (the applicant) was the Designated Premises Supervisor (DPS) and Premises Licence Holder (PLH). He produced two photographs which showed where the illicit goods were concealed on the premises. John Maher further

stated that in March, 2016, officers from South Yorkshire Police and Safeguarding Children Board visited the premises and it appeared that no-one was in control of the premises, that the measures intended to control age-restricted sales were very poor and were informed that Mr. Ali was abroad. On 13th April, 2016, Mr. Ali telephoned Trading Standards and informed them that he no longer had any involvement in the business and was transferring it to Sherko Mohammed. After the business was transferred, a multi-agency support group was set up with the aim of assisting the new owner to improve its procedures regarding the licensing objectives and an action plan was put in place. John Maher informed Members that on 27th October, 2016 an un-announced visit was made to the premises and four bottles of smuggled vodka were found on the shelves. He said that Trading Standards were concerned that, although a “new broom” approach had been suggested on the application notice, the criminal activities that had taken place at the premises over a number of years would appear to still continue. John Maher further stated that Mr. Ali had indicated that, should the application be successful, there were a range of steps he intended to put in place to promote the licensing objectives and had even suggested trading under a new name, but Mr. Maher felt that Mr. Ali was just paying lip service to this. It was then noted that the premises licence had been revoked at a review hearing on 9th February, 2017 and was pending appeal at the Magistrates Court.

- 4.6 Cheryl Topham reiterated the history surrounding the premises and stated that when the offences referred to had occurred, the owner should have been in full control of the premises but this had not been the case. She had visited the premises with Julie Hague, Safeguarding Children Board, and had been informed by the shop assistant that the owner lived next door, but at that time he was abroad and that he had leased the premises to someone else. Ms. Topham stated that when asked about the challenge scheme and the refusals log, the shop assistant knew very little about it. She further stated that she was aware that Mr. Ali had been the owner of another property within the City and that there had been failed test purchases at such premises.
- 4.7 In response to a question from a Member of the Sub-Committee, John Maher stated that Mr. Ali had not been prosecuted because it was found that he was not the owner of the illicit cigarettes, just the owner of the property.
- 4.8 Paul Heniq questioned why, when the illegal cigarettes had been found in 2014, a review of the owner at that time had not been made and also why the five passed test purchases had not been mentioned by the Police. He also questioned why an action plan had been put in place.
- 4.9 In response to these questions, Cheryl Topham stated that the Police were always willing to assist businesses by putting in place an action plan and that the Conditions to which Mr. Heniq referred to on the licence were standard Conditions on the majority of licences. She added that the fact that Mr. Ali was the holder of a taxi driver’s licence was not something that the Police were required to know.
- 4.10 Paul Heniq stated that Mr. Ali was the owner and landlord of the premises and leased the property out and there was no evidence against Mr. Ali. He was aware of the history of the premises when it was known as Double Diamond and stated

that his client would rebrand and reinvent the business.

- 4.11 In response to questions from Members of the Sub-Committee, Mr. Heniq stated that Mr. Ali had had a business relationship with Mr. Mohammed since 2012, but when the premises licence was revoked on 9th February, 2017, Mr. Mohammed no longer had anything to do with the business. Mr. Ali stated that, if granted the licence, it was his intention to run the business himself, assisted by two fully trained staff. When asked what the key issues of the Challenge 25 scheme were, Mr. Ali failed to name them. Mr. Heniq said that with regard to the stock in the premises, Mr. Ali would be in a position to buy everything from Mr. Mohammed if he wanted to sell, if not he would be able to restock the shop within 24 hours.
- 4.12 Paul Heniq summarised the case on behalf of the applicant, stating that it had been the proprietor who had been prosecuted not Mr. Ali.
- 4.13 Clive Stephenson outlined the options open to the Sub-Committee in relation to the application.
- 4.14 **RESOLVED:** That, in accordance with the agreed hearing procedure, the public and press and attendees involved in the application 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 Samantha Bond 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 in the light of the contents of the report now submitted, together with the representations now made, including the responses provided to the questions raised, the application to grant a premises licence in respect of Page Hall Off Licence, 81-83 Page Hall Road, Sheffield S4 8GU (Ref. No. 63/17), be refused on the grounds that:-
- (a) the applicant was unable to uphold the licensing objectives whilst he was the Designated Premises Supervisor; and
 - (b) the history of the premises deemed that the premises would stock illicit and smuggled goods in the future.

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

5. LICENSING ACT 2003 - TACO BELL, 116-118 DEVONSHIRE STREET, SHEFFIELD S3 7SF

- 5.1 An application for the variation of a premises licence at Taco Bell, 116-118

Devonshire Street, Sheffield S3 7SF (Ref. No.67/17), had been received and subsequently withdrawn from consideration as the objection to the application had been resolved after the agenda for the meeting had been published.