

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 4 January 2018

PRESENT: Councillors Josie Paszek (Chair), Adam Hurst and Andy Nash

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Andy Nash attended the meeting, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

- 2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on items 4 and 5 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2, and 7, respectively, of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASE

- 4.1 The Chief Licensing Officer submitted details in respect of a case relating to hackney carriage and private hire licensing.
- 4.2 The applicant in Case No. 01/18 did not attend the hearing and, on the basis that he had offered no explanation for his non-attendance, the Sub-Committee agreed to consider the case in his absence.
- 4.3 RESOLVED: That the case now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
01/18	Application for a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that, in the light of the offences and convictions now reported, the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence.

5. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE

- 5.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 51 of the

Licensing Act 2003, for a review of the Premises Licence in respect of the premises now mentioned (Ref. No.154/17).

- 5.2 Present at the meeting were Anthony Coyle (Barrister, for South Yorkshire Police, Applicants) and Ian Armitage and John O'Malley (South Yorkshire Police, Applicants), Paul Henocq (John Gaunt and Partners, Solicitors, for the Premises), Julie Hague (Sheffield Safeguarding Children Board), David Palmer (Trading Standards), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 The Chair referred to a letter which had been sent by Paul Henocq to the Licensing Service and the Responsible Authorities on 3rd January 2018, on behalf of the prospective Designated Premises Supervisor (DPS), requesting that the hearing be adjourned on the basis that the prospective DPS was not able to attend due to a personal private medical issue to which she would be receiving treatment for a number of scheduled days. Mr Hanock stated that the DPS had not been able to attend the original hearing, on 19th December 2017, which had not gone ahead due to the Sub-Committee being inquorate, as well as not being able to attend this hearing on the basis that he was on a family holiday which had been planned for some time. He stated that, whilst apologising for the inconvenience caused to all parties involved, he considered that, in the interest of natural justice, both the DPS and prospective DPS should be afforded the opportunity to attend a hearing.
- 5.4 Anthony Coyle stated that, whilst he appreciated the position with regard to natural justice, the police's primary reason for the application for the review related mainly to the conduct of the existing DPS who had been responsible for a complete lack of engagement with the Responsible Authorities in terms of the operation of the premises, over a significant period of time.
- 5.5 Julie Hague expressed her concerns with regard to adjourning the meeting for a second time, specifically with regard to safeguarding issues relating to the operation of the premises in the intervening period. She also stated that it was important that the existing DPS was present at any re-arranged meeting.
- 5.6 David Palmer expressed similar concerns with regard to the existing DPS's lack of engagement with the Responsible Authorities, and also indicated that it was imperative that he was in attendance at the re-arranged meeting.
- 5.7 **RESOLVED:** That the 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.

5.8 Samantha Bond reported orally, giving legal advice on various aspects of the application and request for an adjournment.

5.9 At this stage in the proceedings, the meeting was re-opened to the attendees.

5.10 RESOLVED: That (a) in the light of the request now made, and the representations of the Responsible Authorities, approval be given for the hearing to be adjourned to provide an opportunity for the existing Designated Premises Supervisor and prospective Designated Premises Supervisor to attend to make representations; and

(b) the Chief Licensing Officer be requested to arrange a date for the hearing at the earliest possible opportunity, and on a date convenient for all parties.