

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 18 January 2018

PRESENT: Councillors Josie Paszek (Chair), Andy Bainbridge and Lisa Banes

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Andy Nash attended the meeting as a reserve Member, 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 item 4 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 paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE

- 4.1 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 the review of a Premises Licence in respect of the premises now mentioned (Ref No. 154/17).

- 4.2 Present at the meeting were Anthony Coyle (Barrister for South Yorkshire Police, Applicants), Cheryl Topham (South Yorkshire Police Licensing Service, Applicants), Paul Henocq (John Gaunt and Co. Partners, Solicitors, for the premises), Prospective Staff Members, Julie Hague (Sheffield Safeguarding Children Board), David Palmer (Sheffield Trading Standards), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser) and John Turner (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 representations had been received from South Yorkshire Police, Sheffield Safeguarding Children Board and Sheffield Trading Standards, and were attached at Appendix 'C' to the report.

- 4.5 Anthony Coyle referred to the application for the review made by

South Yorkshire Police, specifically to the grounds for the review as detailed therein. He referred to the representations made by Sheffield Trading Standards, regarding alcohol found on the premises on which duty had not been paid, and to the Sheffield Safeguarding Children Board, regarding the underage sales of cigarettes and alcohol, and the lack of engagement by the premises management following numerous offers of help in terms of advice and training in connection with safeguarding issues. Mr Coyle concluded by making specific reference to the absence of the Designated Premises Supervisor (DPS), who had now failed to attend any of the three meetings which had been scheduled to consider the application for a review, without giving any adequate notice.

- 4.6 Julie Hague made representations on behalf of the Sheffield Safeguarding Children Board (SSCB), referring to various issues of concern regarding the underage sales of cigarettes and alcohol. Ms Hague also expressed her concerns at the lack of engagement by the DPS, despite all the offers of assistance, and also expressed her dismay at the fact that he had not taken the trouble to attend any of the three scheduled meetings arranged to consider the review. She stated that, despite all the interventions of the SSCB, including the offer of advice and free training, she believed there had been an escalation in terms of safeguarding risk linked to the premises.
- 4.7 David Palmer made representations on behalf of Sheffield Trading Standards, referring to the sale of alcohol which had been found to have counterfeit labels, falsely indicating that the required duty had been paid. He also referred to the lack of engagement by the DPS, referring to a specific incident where, following an unannounced investigative visit by Trading Standards officers, the shop manager was encouraged to sign up to the Responsible Retailer scheme, but subsequently failed to do this.
- 4.8 The representatives of the Responsible Authorities responded to questions raised by Samantha Bond and Paul Henocq.
- 4.9 Paul Henocq addressed the Sub-Committee, on behalf of the premises, indicating that, whilst the DPS was not present at the meeting, he had been advised of the Sub-Committee's powers in terms of taking action in respect of the Premises Licence moving forward. Mr Henocq accepted that there had been significant difficulties with regard to the management of the premises over the last few years, but suggested that, with the new prospective management team in place, two of whom were present at the hearing, together with the additional conditions, which had been suggested by the existing DPS, and circulated at the hearing, the situation could be improved. He referred specifically to the Sub-Committee's power to remove the existing DPS, and to the intention of the prospective DPS, who had the relevant experience, having been a Premises Licence Holder (PLH), and more recently a DPS at another licensed premises

in the City. Mr Henocq referred to the other prospective member of staff present at the hearing, indicating that he had made a successful application for a Personal Licence, and was currently awaiting confirmation of his Disclosure and Barring Service (DBS) check. He stated that he had explained the conditions, in terms of their responsibilities, to the two prospective members of staff, and they were fully aware of what was required of them, and that it was the intention to get a new responsible management structure in place at the earliest possible opportunity.

- 4.10 Mr Henocq responded to a question raised by Councillor Andy Bainbridge.
- 4.11 The prospective members of staff reported on their experience in terms of working in licensed premises, and how they intended to manage the premises, referring specifically to safeguarding issues.
- 4.12 Paul Henocq and the prospective members of staff responded to questions from Members of the Sub-Committee, Samantha Bond and the representatives of the Responsible Authorities.

(At this stage in the proceedings, the hearing was adjourned for a short period to allow the applicants and the representatives of the Responsible Authorities an opportunity to discuss the suggested conditions circulated by Mr Henocq.)

- 4.13 Paul Henocq and the prospective members of staff responded to further questions from Anthony Coyle and the representatives from the Responsible Authorities.
- 4.14 Anthony Coyle and Paul Henocq summarised their respective cases.
- 4.15 Clive Stephenson presented the options available to the Sub-Committee.
- 4.16 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.
- 4.17 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.18 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.19 RESOLVED: That, in the light of the information contained in the report now submitted, the list of suggested conditions now circulated,

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the representations now made and the responses to the questions raised, the Sub-Committee agrees that the Premises Licence in respect of the premises now reported be revoked (Ref. No. 154/17).

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