

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 January 2018

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Kieran Harpham

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Mick Rooney.

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 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 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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT - TUDOR SQUARE

4.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Static Street Trading Consent for Tudor Square, Sheffield City Centre (Case No. 08/18).

4.2 Present at the meeting were Edward Bishop (Applicant), 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 the application had been circulated to all the Responsible Authorities, including City Centre Management Team and Traffic, Transport and Parking Services, and whilst no objections had been received, comments had been raised by City Centre Management regarding the exact location of the vehicle and trading days.

4.5 Edward Bishop stated that he had been trading as "Coffika" at Meadowhall since November, 2016 and now wanted to build on that brand and extend the business. He circulated copies of photographs showing the 1972 Citroen van which had been converted and was well kitted out for the purpose of travelling around selling

coffee and cakes. Mr. Bishop added that all the products used and sold were locally sourced in the Sheffield area.

- 4.6 In response to questions from Members of the Sub-Committee, Edward Bishop stated that, since consent was granted to him to trade on Devonshire Green in August, 2017, he had decided to apply to trade at Tudor Square, giving him the option of trading at a “summer” site and a “winter” site.
- 4.7 Clive Stephenson outlined the options open to the Sub-Committee in relation to the application.
- 4.8 RESOLVED: That 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.
- 4.9 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.11 RESOLVED: That, following consideration of the information contained in the report now submitted, including the representations now made, the application for a Static Street Trading Consent on Tudor Square (Ref No. 08/18) be granted subject to the applicant agreeing with the Events Manager, the dates on which he would not be allowed to trade e.g. Sheffield Marathon, World Snooker Championships etc.

5. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE

- 5.1 The Chief Licensing Officer submitted a report to consider the review of a premises licence due to a Closure Order, made under Section 167 of the Licensing Act 2003, in respect of Niche, 9-11 Walker Street, Sheffield S3 8GZ (Ref No. 159/17).
- 5.2 Present at the meeting were Kate Baxendale (Fortuna Events), Chris Grunert (John Gaunt and Partners, Solicitors, for the Premises), Leo Charalambides (Barrister for the Premises), Richard Dyson (Designated Premises Supervisor, Niche Nightclub), Aaron Moss (Counsel for South Yorkshire Police), John Whittaker (Solicitor for South Yorkshire Police), Ian Armitage (Licensing Officer, South Yorkshire Police), John O’Mally (Licensing Officer, South Yorkshire Police), Superintendent Paul McCurry, Detective Constable Katie Clogan, Sergeant Matt Burdett, (South Yorkshire Police) and Magdalena Boo (Principal Health Improvement Officer, Sheffield City Council).
- 5.3 It was noted that although notice of the hearing had been published indicating that the hearing may not be open to the public and press, a large number of members

of the public had attended the meeting due to the significant level of interest the case had attracted, and the Sub-Committee therefore decided to open the meeting to the public and press. Unfortunately, due to health and safety limitations relating to the capacity of the venue, not all members of the public were able to access the room.

- 5.4 The Chair, Councillor David Barker, referred to the fact that both sides in the case had presented a substantial amount of new evidence directly before the meeting commenced.
- 5.5 Leo Charalambides referred to points of law as to why, in his opinion, South Yorkshire Police should not be in attendance at the meeting. He stated that as far as he was concerned he was representing clients for a summary review of the premises and South Yorkshire Police should not be involved, as they have submitted an application for a review using an incorrect and incomplete form, and have not made 'relevant representations'. He referred to Appendix 1 attached to the report contained in the agenda and stated that South Yorkshire Police had signed off the application under the wrong Section of the Licensing Act. Mr. Charalambides further stated that his clients did not give consent to CCTV images being shown or witness statements being produced at the meeting and he added that any further information submitted today by the Police was inadmissible. He further added that since December, the owners of the premises had tried to work with the police to resolve matters, but the police had been unresponsive, despite previously meeting with the premises frequently. He made reference to the Licensing Authority's review application policy which states that a review application should be accompanied by up to date evidence which would be able to withstand scrutiny, but in this case, the police have provided no such evidence against the premises. He then referred to the volume of additional information that had been submitted 'blind' but stressed that he was able to take Members through it swiftly and would only refer to certain pages from it. Mr. Charalambides summarised by stating that the review was not about whether or not a crime had been committed and felt that the police did not understand the policy set by the Licensing Authority, but added that the owners were keen to prove that they do operate within the licensing objectives.
- 5.6 Aaron Moss responded on behalf of South Yorkshire Police and apologised that apparently the case had been submitted on the wrong form but the fact remained that, following a closure order made by the Magistrates Court, a review of the premises had to be undertaken. He stated that he and the number of police officers in attendance at the meeting were there to assist Members when coming to a decision to prevent further crime and disorder at the premises, due to their specific and technical knowledge in respect of the events which have led to the review being applied for.
- 5.7 **RESOLVED:** That the public and press and attendees 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.
- 5.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.10 RESOLVED: That the Sub-Committee (a) agrees to adjourn the meeting to 8th February 2018, in accordance with the legislation, on the basis that there was to be a full review of the premises licence at a later date and that they were keen to hear from all relevant parties and would encourage them to meet and share information prior to the hearing;
- (b) were satisfied that the police had made relevant representations, and determines that arguments will be heard on 8th February as to the admissibility of any evidence which is still in dispute;
- (c) determines that the hearing will be advertised as a public one, however it may be that certain parts may need to be held in private; again, this will be a matter for the Sub-Committee to determine on the day, having heard submissions from the parties present; and
- (d) states that, although the legal representatives were able to summarise the additional information, they would prefer sufficient time to read through it themselves and asked that both parties provided any other additional evidence in advance of the full review hearing.