

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 2 December 2019

PRESENT: Councillors Karen McGowan (Chair), Ruth Mersereau and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

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 Sheffield City Council Trading Standards, under Section 51 of the Licensing Act 2003, for a review of a premises licence (Ref No. 116/19).

4.2 Present at the meeting were Bill Masini, Neil Bates and Lisa Marsden (Trading Standards, Applicants), Julie Hague (Sheffield Children Safeguarding Partnership), Cheryl Topham (South Yorkshire Police Licensing Officer), Chris Grunert (Solicitor, John Gaunt and Partners (on behalf of Licence Holder), the Manager of the Premises, the Licence Holder, Jayne Gough (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 Jayne Gough presented the report to the Sub-Committee, and it was noted that representations had been received from South Yorkshire Police, Sheffield Children Safeguarding Partnership and the Licensing Authority, and were attached at Appendix 'C' to the report.

4.5 Bill Masini reported on the grounds as to why the application had been made by Trading Standards.

4.6 Bill Masini and representatives of the other responsible authorities in attendance

responded to questions from Members of the Sub-Committee.

- 4.7 Cheryl Topham made representations on behalf of South Yorkshire Police.
- 4.8 Julie Hague made representations on behalf of Sheffield Children Safeguarding Partnership.
- 4.9 Chris Grunert made representations on behalf of the Manager and Licence Holder of the premises.
- 4.10 Bill Masini summarised the case on behalf of Trading Standards.
- 4.11 Chris Grunert summarised the case on behalf of the Licence Holder.
- 4.12 Jayne Gough outlined the options open to the Sub-Committee.
- 4.13 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.
- 4.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.16 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made, the Sub-Committee agrees to modify the conditions of the Premises Licence in respect of the premises now mentioned (Ref No.116/19) as follows:-
- (a) remove the Designated Premises Supervisor;
- (b) add the following conditions to the licence:
- (i) the premises will operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 25 years and signage to this effect is to be prominently displayed within the premises, including the premises entrance and behind the service counter;
- (ii) all members of staff involved in the retail sale of alcohol shall be trained in the prevention of underage sales of alcohol at least once every 3 months. The training must include:
- what age restricted products are sold at the store;
 - the Challenge 25 policy and what this means;
 - what forms of ID the business will accept as proof of age;
 - how to complete the refusals book;

- details of training will be recorded in an electronic or paper record and this information shall be made available for inspection by the Police or any other authorised person on request, with all such records being retained for at least 12 months. Training records must specify:
 - the name of the trainee;
 - the name of the trainer;
 - the date the training was delivered;
 - the nature of the training, i.e. induction/initial or refresher;
 - the trainee must also sign a declaration confirming that they have undertaken and understood the training. The declaration document shall be made available for inspection by the Police or any other authorised person on request and shall be retained for at least 12 months;
- (iii) the written refusals book shall be kept at the premises to record all instances where sale of alcohol is refused. Such records shall show:
- the basis for the refusal;
 - the person making the decision to refuse; and
 - the date and time of the refusal;
- such records shall be retained at the Premises for at least 12 months, and shall be made available for inspection by the Police or any other authorised person on request. The refusal log will be checked and signed off regularly by management;
- (iv) CCTV shall be installed with recording facilities such recordings shall be retained for a period of 28 days (except where such retention cannot be achieved due to reasonable periods of maintenance or repair) and made available within a reasonable time upon request by the police as long as the request is in accordance with data protection principles;
- (v) alcohol shall not be sold in an open container or be consumed in the licensed premises;
- (vi) all alcohol and tobacco products will be purchased from a bona fide wholesaler. All such purchases will be accompanied with official invoices which will allow full traceability through the supply chain alongside any applicable AWRS Scheme Number for that supplier. Invoices will be retained on the premises for a minimum of 6 months and will be provided on request to a Police Officer or authorised officer of Sheffield City Council with a reasonable and valid reason for doing so. All items sold in the premises are to be entered into the till and receipts given;
- (vii) the Premises Licence Holder and/or the Designated Premises Supervisor will ensure that all staff are instructed and trained on the

subject of illicit alcohol and tobacco products, including periodic refresher training. Records of the training will be made and kept up to date and checked on a regular basis by the Premises Licence Holder and / or Designated Premises Supervisor;

- (viii) a personal licence holder is to be on the premises at all times;
- (ix) a record of shop rotas and personal licence holder details are to be kept at the premises for 12 months and made available to authorised officers on request; and
- (x) a person who has attended the Sheffield safeguarding training should be on the premises at times that the premises is open to the public.

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