

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 April 2022

PRESENT: Councillors Karen McGowan (Chair), Dawn Dale and Neale Gibson

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Vickie Priestley 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 items 5 and 6 on the agenda (items 4 and 5 of these minutes) 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 - TOP UP, 281 LONDON ROAD, SHEFFIELD, S2 4NF

- 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 Licencing Act 2003, for a review of a premises licence in respect of Top Up, 281 London Road, Sheffield S2 4NF (Ref No. 34/22).

- 4.2 Present at the meeting were David Clutterbrook and Lisa Marsden (Trading Standards, Applicants), Gareth Barrett (Licensing Enforcement Officer), Maureen Hanniffy (Sheffield Children's Safeguarding Partnership), June Clarke (for the premises), the premises licence holder, an associate of the premises licence holder, Jayne Gough (Licensing Policy and Strategy Officer), Samantha Bond (Legal Advisor to the Sub-Committee) and John Turner (Democratic Services).

- 4.3 Samantha Bond outlined the procedure to be followed during the hearing.

- 4.4 Jayne Gough presented the report, and it was noted that representations had been received from the Licensing Authority and the Sheffield Children's Safeguarding Partnership, and were attached at Appendix "C" to the report.

- 4.5 David Clutterbrook reported on the grounds as to why the application had been

made by Trading Standards. As part of his representations, he circulated evidence to the Sub-Committee and showed covert video footage taken at the premises.

- 4.6 David Clutterbrook and Lisa Marsden responded to questions raised by Members of, and the legal adviser to, the Sub-Committee, and June Clarke.
- 4.7 Maureen Hannify reported on the representations made by the Sheffield Children's Safeguarding Partnership, and responded to questions raised by Members of, and the legal adviser to, the Sub-Committee.
- 4.8 Gareth Barrett reported on the representations made by the Licensing Authority, and responded to a question raised by June Clarke.
- 4.9 June Clarke put forward the case on behalf of the premises, and responded to questions raised by Members of, and the legal adviser to, the Sub-Committee, and Gareth Barrett.
- 4.10 All parties summarised their cases.
- 4.11 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 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.
- 4.12 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.13 RESOLVED: That in the light of the information contained in the report now submitted, the representations now made, the responses to the questions raised and the evidence and video footage viewed at the hearing, the premises licence in respect of the premises known as Top Up, 281 London Rd, Sheffield S2 4NF (Ref No. 34/22), be revoked on the grounds that the premises licence holder has consistently undermined the licensing objectives, particularly the prevention of crime and disorder.

(The Sub-Committee's decision will be relayed to all interested parties following the meeting, and the full reasons for the decision will be included in the written Notice of Determination.)

5. LICENSING ACT 2003 - NILE MARKET, 176-178 BARNSELY ROAD, SHEFFIELD, S4 7AF

- 5.1 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 in respect of Nile Market, 176-178 Barnsley Road, Sheffield S4 7AF (Ref No. 60/22).
- 5.2 Present at the meeting were David Clutterbrook and Lisa Marsden (Trading

Standards, Applicants), Gareth Barrett (Licensing Enforcement Officer), Maureen Hanniffy (Sheffield Children's Safeguarding Partnership), the premises licence holder, Jayne Gough (Licensing Policy and Strategy Officer), Samantha Bond (Legal Advisor to the Sub-Committee) and John Turner (Democratic Services).

- 5.3 Samantha Bond outlined the procedure to be followed during the hearing.
- 5.4 Jayne Gough presented the report, and it was noted that representations had been received from the Licensing Authority, South Yorkshire Police and the Sheffield Children's Safeguarding Partnership, and were attached at Appendix "C" to the report. The police had received an invite to the hearing, but were not able to attend.
- 5.5 David Clutterbrook reported on the grounds as to why the application had been made by Trading Standards.
- 5.6 David Clutterbrook and Lisa Marsden responded to questions raised by Members of, and the legal adviser to, the Sub-Committee.
- 5.7 Maureen Hanniffy reported on the representations made by the Sheffield Children's Safeguarding Partnership, and responded to a question raised by the legal adviser to the Sub-Committee.
- 5.8 Gareth Barrett reported on the representations made by the Licensing Authority, and responded to a question raised by the legal adviser to the Sub-Committee.
- 5.9 The premises licence holder put forward his case, and responded to questions raised by Members of, and the legal adviser to, the Sub-Committee, Gareth Barrett and Lisa Marsden.
- 5.10 All parties summarised their cases.
- 5.11 **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 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.
- 5.12 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.13 **RESOLVED:** That in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, the premises licence in respect of Nile Market, 176-178 Barnsley Road, Sheffield S4 7AF Ref No. 60/22), be revoked on the grounds that the premises licence holder has consistently undermined the licensing objectives, particularly the prevention of crime and disorder.

(The Sub-Committee's decision will be relayed to all interested parties following the meeting, and the full reasons for the decision will be included in the written

Notice of Determination.)