

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 8 April 2014

**PRESENT:** Councillors Clive Skelton (Chair), Cliff Woodcraft and Joyce Wright

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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 paragraphs 1 and 2 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 - TRANSFER OF PREMISES LICENCE AND VARIATION OF DESIGNATED PREMISES SUPERVISOR**

4.1 The Chief Licensing Officer submitted a report to consider applications for the transfer of a Premises Licence and the variation of a Designated Premises Supervisor, made under Sections 42 and 37 of the Licensing Act 2003, respectively (Case No. 15/14).

4.2 Present at the meeting were the applicant, the applicant's Solicitor, Benita Mumby (South Yorkshire Police Licensing, Objector), Cheryl Topham (South Yorkshire Police Licensing, Observer), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from South Yorkshire Police Licensing Section, and were attached at Appendix 'C' to the report.

4.5 Benita Mumby made representations on behalf of South Yorkshire Police, stating that the applicant had been found guilty of an offence in 2012, and that the Police's objection related to Section 5 of the Rehabilitation of Offenders Act in that the offence could be linked to the activity to which the applicant planned to use the Premises Licence for, as well as being linked to his planned activities as a

Designated Premises Supervisor. She stated that, for this reason, the Police did not believe that the applicant was a fit and proper person to hold a Premises Licence and become a Designated Premises Supervisor. Ms Mumby also responded to a number of questions raised by Members of the Sub-Committee.

- 4.6 The applicant's Solicitor addressed the Sub-Committee, stating that the applicant had pleaded guilty to the offence and that his sentence had reflected his level of culpability. He argued that the conviction had no relevance to the two applications, specifically with regard to his ability to run the licensed premises in question. He also argued that the conviction had no relation to the licensing objective with regard to crime prevention. The Solicitor responded to a number of questions raised by Members of the Sub-Committee and Marie-Claire Frankie. During questioning, the applicant accepted that he had previously been removed as Designated Premises Supervisor at the premises following a number of failed test purchases and an amount of illegal alcohol having been seized.
- 4.7 RESOLVED: That the attendees involved in the application for the transfer of a Premises Licence and the variation of a Designated Premises Supervisor 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.
- 4.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.10 RESOLVED: That, as respects Case No. 15/14:-
- (a) the application to transfer the Premises Licence, in respect of the premises now mentioned, to the applicant, be granted; and
  - (b) in the light of the conviction now reported, and the representations now made, the application to vary the Premises Licence to specify the applicant as the Designated Premises Supervisor, in respect of the premises now mentioned, be not granted.

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