

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 23 August 2016

**PRESENT:** Councillors Alan Law (Chair), Cliff Woodcraft and Bob Pullin

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#### **1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor George Lindars-Hammond attended the meeting as a Member, but he did not need to stay.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. LICENSING ACT 2003 - 417 PETRE STREET, SHEFFIELD, S4 8LL**

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as 417 Petre Street, Sheffield, S4 8LL.

4.2 Present at the meeting were Benita Mumby (South Yorkshire Police, Objector), Sean Gibbons (Health Protection Service, Objector), Paul Thornton (Environmental Protection Service, Objector), Julie Hague (Sheffield Safeguarding Children Board, Objector), Sally Strutt (South Yorkshire Fire and Rescue Service, Objector), Georgina Hollis (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 The applicant, Mahya Abdullah, Marina Events, although invited, did not attend the hearing and, as no reason had been given for her non-attendance, the Sub-Committee agreed to consider the application in her absence.

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

4.5 Georgina Hollis presented the report to the Sub-Committee, and it was noted that representations had been received from South Yorkshire Police Licensing, Health Protection Service, Environmental Protection Service and the Sheffield Safeguarding Children Board, and were attached at Appendix 'B' to the report. In response to a query by Councillor Cliff Woodcraft, Ms Hollis indicated that the application had originally been due to be considered on 27<sup>th</sup> June 2016, but the

applicant had indicated that she would not be able to attend on that date. The application was therefore rearranged for this date, and the Licensing Service had not heard anything from the applicant to indicate that she couldn't attend the hearing.

- 4.6 Benita Mumby (South Yorkshire Police) read through her witness statement, dated 21<sup>st</sup> June 2016, stating that a number of calls had been made to the police, regarding complaints of noise nuisance relating to premises on Petre Street. Following the receipt of information regarding an event held at a warehouse at 417 Petre Street, on 22<sup>nd</sup> January 2016, at which music was being played, alcohol was being consumed and a number of children and young people were present, Ms Mumby checked this location on the police's database, and had been unable to find any record of a current Premises Licence, which would allow any licensable activities. There had also been no Temporary Event Notice (TEN) submitted to allow for any such activities on this day. In the light of this, officers visited the premises on 29<sup>th</sup> January 2016, and were approached by a female, of East European origin, who informed them that she sublet the premises under the company name of Marina Events, and then contacted the person she hired the premises from, who then attended the location. The officers were advised by the second female that she rented the premises from the property owner, and confirmed that she sublet it to the first female. On being escorted inside the premises, the officers noted that it appeared to be a warehouse which had been converted into an entertainment/function venue, equipped with a sound system, stage, tables and chairs. There appeared to be an event in progress, with approximately 30 males, of East European origin, present, as well as there being alcohol in the kitchen area. Following the receipt of further calls, and the concerns of police officers, a multi-agency meeting was held on 19<sup>th</sup> February 2016, to discuss the premises and the complaints received. During the meeting, it was noted that a number of planning conditions appeared to have been breached in terms of the operation of the premises, and plans were made to visit the premises. Between 19<sup>th</sup> February and 17<sup>th</sup> March 2016, there were no further reported incidents, but on 18<sup>th</sup> March 2016, the police received a call, indicating that since the New Year, there had been regular noise problems from one of the warehouses on Petre Street. Officers attended the premises the same day, and noted that a party was taking place, with loud music being clearly heard. There were several people going in and out of the venue, and numerous cars were parked on both sides of the road. On 19<sup>th</sup> March 2016, a police officer attended the premises, accompanied by Julie Hague and Sean Gibbons, and were met by Mahya Abdullah, who stated that she was the managing director of Marina Events, and that an event was taking place at the venue, involving females. On 26<sup>th</sup> March 2016, a police officer drove past the premises, noting that loud music could be heard, and that a number of people, of Slovakian origin, aged between 14 and 30, were outside. Alcohol appeared to be being drunk. Officers drove past the premises later, and noted that people were still outside, including a number of females aged between 15 and 20 years old. Two calls were received by the police in the early hours of 27<sup>th</sup> March 2016, complaining of noise nuisance and anti-social behaviour linked to the premises, with the second caller stating that there were usually issues when the premises closed around 03:00 and 04:00 hours, when large groups of people left the venue, causing damage to parked cars. A further multi-agency meeting was held on 31<sup>st</sup> March 2016, in order to

discuss recent reports and a possible course of action. A letter was subsequently sent to Marina Events, advising of the issues reported to the police, and what the Company's responsibilities were. Following the submission of an application for a Premises Licence by Ms Mahya Abdullah, on 15<sup>th</sup> April 2016, Ms Mumby accompanied two Technical Fire Safety Inspecting Officers, on a visit to the premises, in order to undertake a fire audit. Also in attendance were officers from Environmental Health and the Environmental Protection Service. Ms Abdullah was provided with help and advice in terms of fire safety requirements, health and safety issues, and the contents of her application for a Premises Licence, specifically with regard to the conditions on the Licence. There was still a high level of concern with regard to Ms Abdullah's ability to undertake her duties and responsibilities, and there were plans for the Licensing Service to interview her, under caution, for carrying out unlicensed activities at the premises. On 9<sup>th</sup> May 2016, Ms Abdullah submitted a TEN, in respect of an event at the premises on 20<sup>th</sup> May 2016. The Notice stated that there would be a DJ, that it was a ladies only event, with no alcohol, and would run from 18:00 hours to 00:00 hours, and would be for 100 people. The police were advised by the Fire Service that they had received no contact from Ms Abdullah and, as such, had indicated that the capacity for the premises should remain at 60. Following this information, and in the light of the continuing concerns, the police objected to the TEN on the grounds of public safety. Following a call by Ms Abdullah, Ms Mumby explained the reasons as to why the police had objected to the TEN, referring to the fact that the required fire safety works had not been addressed. Following this advice, the event did not go ahead at the premises on 20<sup>th</sup> May 2016. Fire Officers made a further visit to the premises on 25<sup>th</sup> May 2016, when they found that the necessary works had not yet been completed. Ms Mumby received information on 26<sup>th</sup> May 2016, indicating that Ms Abdullah had voluntarily attended Ecclesfield Police Station to speak to officers, indicating that the necessary fire regulation works would be completed by 29<sup>th</sup> May 2016, that she had no further bookings at the premises until August/September 2016, and that she wanted to work with the police and Fire Service in an attempt to get things sorted.

- 4.7 Sally Strutt (South Yorkshire Fire and Rescue Service) referred to her witness statement, referring specifically to the visit made to the premises on 25<sup>th</sup> May 2016, accompanied by Sean Gibbons, to inspect the premises from a fire safety point of view and to advise Ms Abdullah on what alterations were required. From discussions with Ms Abdullah, it was apparent that she did not seem aware of her need to make an application for Building Regulations approval for the material alterations made at the premises. Ms Abdullah was also advised with regard to all outstanding matters regarding fire safety on the grounds that a number of such matters had still not been resolved, and that the Fire and Rescue Service was more than willing to provide help and assistance in this regard. She was also advised to contact other relevant responsible authorities in connection with their objections to her application for a Premises Licence.
- 4.8 Julie Hague (Sheffield Safeguarding Children Board) referred to the statement of Sabrina Pezzuto (Social Worker/Designated Safeguarding Deputy), dated 23<sup>rd</sup> June 2016, which was circulated at the hearing. Ms Pezzuto had been informed by a member of staff that parties were being held at the premises every Friday, and the staff member visited the premises on 22<sup>nd</sup> January 2016. On approaching

the premises, she noticed stationary cars parked outside, which were moving as though the occupants were having sex, there was a smell of cannabis and a Slovakian man on the door was asking people for £15 entry, informing them that alcohol was for sale inside. The alcohol comprised Smirnoff vodka, which was on sale for £35 a bottle, and cans of lager. The party comprised a mix of adults and children, of different ethnicities, and a school safeguarding officer reported that an individual professional known to her had stated that they had recognised five of the children as being from their workplace. The children were aged between 12 and 15 years old, all of whom were drinking alcohol, and their parents were not in sight. The member of staff reported the incident to Ms Pezzuto as a safeguarding concern.

- 4.9 Julie Hague also referred to her own statement, dated 2<sup>nd</sup> May, 2016 and, for the reasons set out in the statement, stated that she had no confidence in Ms Abdullah's ability to understand, or undertake, her safeguarding responsibilities.
- 4.10 Sean Gibbons (Health Protection Service) stated that the Service was objecting to the grant of the Premises Licence on the grounds of public safety. Mr Gibbons stated that the Service had significant concerns, both with regard to the premises and the ability of Ms Abdullah to understand her responsibilities in her role as Premises Licence Holder. He made reference to a number of site meetings held at the premises, and circulated photographs taken at one such meeting, on 19<sup>th</sup> April 2016, at which Ms Abdullah was present. Despite attempts to explain what was required of her, Ms Abdullah seemed very unclear as to her responsibilities, and contradicted herself on more than one occasion. During the site meetings, it had been made clear to Ms Abdullah that the layout of the premises was not satisfactory and, despite submitting an amended layout, the Service still had concerns, specifically with regard to the toilet facilities, including the lack of disabled toilet facilities, and the fire escape door to the rear of the premises. As a result of this, it was apparent that she had not sought advice of the relevant responsible authorities, or contracted an architect. Mr Gibbons made reference to the visit to the premises by himself and Sally Strutt, on 25<sup>th</sup> May 2016, when, again, Ms Abdullah was advised to seek professional help and advice, including an architect, but they had not heard anything since this meeting. With all things considered, Mr Gibbons stated that the Service had no confidence that Ms Abdullah was capable of managing such a premise, and had recommended that the application for a Premises Licence be not granted.
- 4.11 Paul Thornton (Environmental Protection Service) referred to the complaints of noise nuisance which had been made in connection with the premises, on 18<sup>th</sup> and 19<sup>th</sup> December 2015, and which had resulted in a visit by officers of the Night Time Noise Team, and which had culminated in a warning letter being sent to Ms Abdullah. Mr Thornton stated that he had visited the premises on 13<sup>th</sup> January 2016, and had met with Ms Abdullah and informed her about the complaints of noise nuisance, which had been made by residents on Woodside Close, which was some distance away, and which related to live bands playing at the premises in the early hours of the morning. The noise appeared to stop for a period, and the Service just received a number of intermittent complaints during February and March 2016. Investigations showed that the premises did not have a licence and, despite offering Ms Abdullah help and advice, and discussed with her a suggested

list of conditions to go on any licence, there was no contact from Ms Abdullah. The Service therefore had no confidence that she would be able to control the premises sufficiently, particularly with regard to noise attenuation.

- 4.12 In response to questions from Members of the Sub-Committee, it was stated that as well as complaints of noise nuisance from residents on Woodside Close, complaints had also been received from the occupants of the unit adjacent to the premises. All the representatives of the responsible authorities present at the hearing confirmed that, for the reasons set out in their representations, they did not have confidence in Ms Abdullah managing the premises, even if the Sub-Committee imposed a number of conditions on the Premises Licence. It was not believed that Ms Abdullah struggled with language issues, but that she was simply dismissive and opted to ignore the help and advice offered by the responsible authorities. Officers had spoken to Reena Abdullah in January 2016, who informed them that she was renting the premises from Mr Kaled, and then sub-letting the premises to a woman of Eastern European origin. Officers were not aware that Reena Abdullah was listed as the Managing Director of Marina Events Limited, on the Companies House website.
- 4.13 Georgina Hollis outlined the options open to the Sub-Committee.
- 4.14 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.
- 4.15 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.16 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.17 RESOLVED: That the Sub-Committee rejects the whole of the application to grant a Premises Licence in respect of the premises known as 417 Petre Street, Sheffield, S4 8LL.

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

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