



SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 8th May 2018

Subject: Licensing Act 2003

Author of Report: Clive Stephenson

Summary: To consider an application to grant a premises licence made under the Licensing Act 2003.

Mint Lounge 42/46 London Road Sheffield S2 4LR

Recommendations: That members carefully consider the representations made and take such steps, as the Sub Committee consider necessary for the promotion of the Licensing Objectives.

Background Papers: Attached documents

Category of Report: OPEN

**REPORT OF THE CHIEF LICENSING OFFICER
(HEAD OF LICENSING) TO THE LICENSING SUB COMMITTEE
LICENSING ACT 2003**

Ref No 53/18

Mint Lounge 42/46 London Road Sheffield S2 4LR

1.0 PURPOSE OF REPORT

1.1 To consider an application for the grant of a premises licence made under section 17 of the Licensing Act 2003.

2.0 THE APPLICATION

2.1 The applicant is Zobia Rafique

2.2 The application, which was received on 14th March 2018, is attached to this report labelled Appendix 'A'.

3.0 REASONS FOR REFERRAL

3.1 Representations concerning the application have been received from the following and are attached at Appendix B:-

- Public Health
- Sheffield Safeguarding Children Board
- Licensing Service
- Environmental Health
- South Yorkshire Police

3.2 One responsible authority has agreed conditions. This information and conditions are attached at appendix 'C'.

3.3 The applicant and objectors have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'D'

4.0 POLICIES TO CONSIDER

4.1 Sheffield City Council Licensing Policy

5.0 FINANCIAL IMPLICATIONS

5.1 There are no specific financial implications arising from this application. However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all these costs. The impact of these additional costs (if any) will be kept under review and may be subject of a further report during the year.

6.0 THE LEGAL POSITION

6.1 The Licensing Act 2003 at section 4 (1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as:-

- a) the prevention of crime and disorder,
- b) public safety,

- c) the prevention of public nuisance,
- d) the protection of children from harm.

6.2 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

7.0 HEARINGS REGULATIONS

7.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.

7.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'D'.

7.3 Attached at Appendix 'D' is the following: -

- a) a copy of the Notice of Hearing;
- b) the rights of a party provided in Regulations 15 and 16;
- c) the consequences if a party does not attend or is not represented at the hearing
- d) the procedure to be followed at the hearing.

8.0 APPEALS

8.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations against decisions of the Licensing Authority to the Magistrates' Court.

9.0 RECOMMENDATIONS

9.1 That Members carefully consider the representations made and take such steps as the Sub Committee consider appropriate for the promotion of the Licensing Objectives.

10.0 OPTIONS OPEN TO THE COMMITTEE

10.1 To grant the premises licence in the terms requested.

10.2 To grant the premises licence with conditions.

10.3 To reject the whole or part of the application.



Stephen Lonnia
Chief Licensing Officer
Head of Licensing

8th May 2018

Appendix A

Application

714400 -

Application for a premises licence to be granted under the Licensing Act 2003



A1

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/we ZOBIA RAFIQUE
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
42146 LONDON RD			
Post town	SHEFFIELD	Postcode	S2 4LE
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£16000		

Part 2 - Applicant Details

done check 16/3/18
£19,750 - still good

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |

A2

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname RAFIQUE		First names ZOBIA		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes
Current postal address if different from premises address		XXXXXXXXXX		
Post town	SHEFFIELD		Postcode	XXXXXX
Daytime contact telephone number		XXXXXXXXXX		
E-mail address (optional)	XXXXXXXXXX			

Part 3 Operating Schedule

A3

When do you want the premises licence to start?

DD	MM	YYYY

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

I would like the premises licence to commence as soon as possible.

amended

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

Part 3 Operating Schedule

A4

When do you want the premises licence to start?

DD	MM	YYYY

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

I WOULD LIKE THE PREMISES LICENCE TO START AS SOON AS POSSIBLE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon	1700	0200	State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue	1700	0200	
Wed	1700	0200	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Thur	1700	0200	
Fri	1700	0200	
Sat	1700	0200	
Sun	1700	0200	

removed as per 16/3/18

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
Mon	1700	0200	Outdoors	<input type="checkbox"/>
Tue	1700	0200	Both	<input type="checkbox"/>
Wed	1700	0200	Please give further details here (please read guidance note 3)	
Thur	1700	0200	State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Fri	1700	0200	Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun	1700	0200		

removed as per 16/3/18

E

47

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for the performance of live music (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1700	0200			
Tue	1700	0200			
Wed	1700	0200			
Thur	1700	0200			
Fri	1700	0200			
Sat	1700	0200			
Sun	1700	0200			
			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		

A8

I.

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) <i>Hot food and drinks</i> <i>Snacks ↘ See email 27-3-18.</i>			
Mon	2300	0200				
Tue	2300	0200	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Wed	2300	0200				
Thur	2300	0200	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)			
Fri	2300	0200				
Sat	2300	0200				
Sun	2300	0200				

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Mon						
Tue			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)			
Wed						
Thur						
Fri						
Sat						
Sun						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

A9

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Mon	1700	0200	
Tue	1700	0200	
Wed	1700	0200	
Thur	1700	0200	
Fri	1700	0200	
Sat	1700	0200	
Sun	1700	0200	

M

A10

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

AIR CONDITIONING AND VENTILATION IS PROVIDED TO CONTROL TEMPERATURE AND HUMIDITY

b) The prevention of crime and disorder

ANY ANTI-SOCIAL BEHAVIOUR OR CRIME WILL BE REPORTED TO THE POLICE. WE HAVE CCTV CAMERAS IN AND OUTSIDE THE PREMISES OPERATING 24/7

c) Public safety

FIRE AID KIT AT THE PREMISES
AVOID OVER CROWDING
FIRE SAFETY – THE PREMISES COMPLYS WITH ALL STATUTORY FIRE SAFETY CONTROLS (FIRE ALARMS, SMOKE ALARMS, HEAT ALARMS, FIRE EXTINGUISHERS) THERE ARE 3 FIRE EXITS. ANY FIRE ISSUES WILL BE REPORTED TO THE FIRE SERVICE . ANYONE HURT OR HAVE AN ACCIDENT (SEEKING MEDICAL HELP) WILL BE REPORTED TO THE RELEVANT AUTHORITIES.

d) The prevention of public nuisance

WE HAVE CCTV CAMERAS IN AND OUTSIDE THE PREMISES OPERATING 24/7

e) The protection of children from harm

NO PERSONS UNDER THE AGE OF 18 ARE ALLOWED TO ENTER THE PREMISES

Checklist:

Please tick to indicate agreement

A12

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	<i>[Handwritten Signature]</i>
Date	14/03/2018
Capacity	OWNER

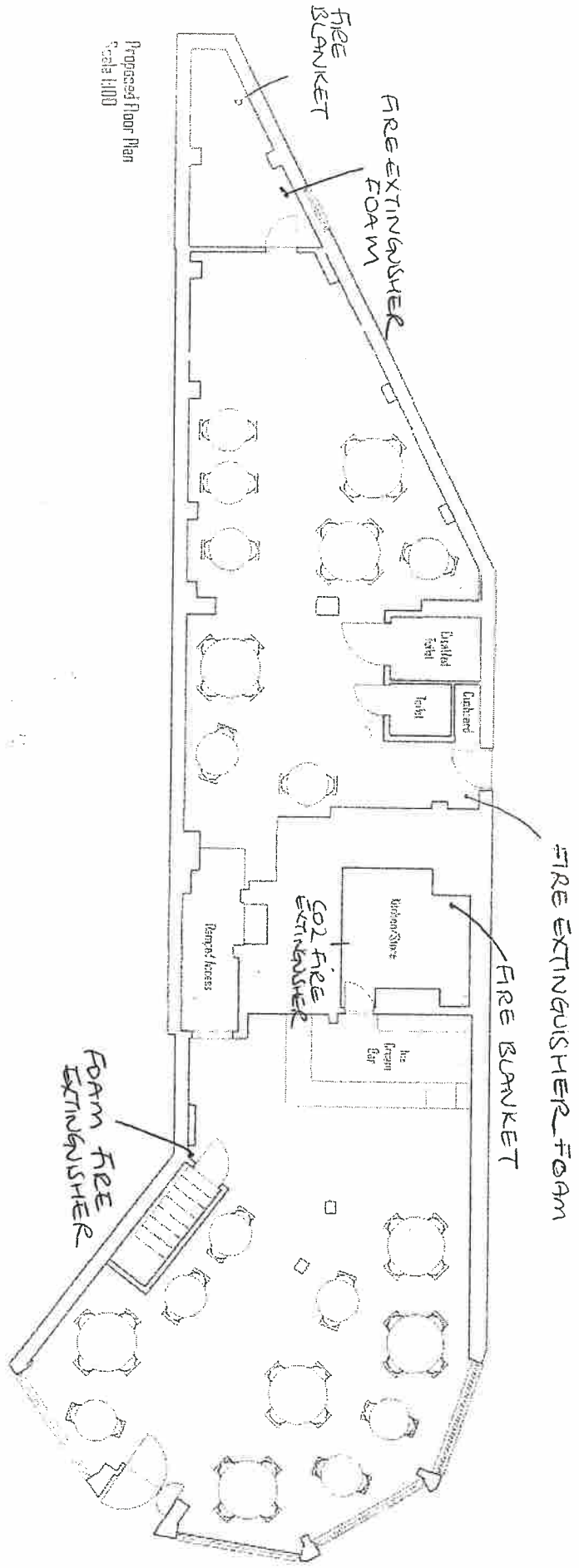
For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

A14



Proposed Floor Plan
Scale: 1:100

42-46 LONDON
RD
S24UR
29-03-2018
(AMENDED PLAN)

Appendix B

Objections

Public Health

Sheffield Safeguarding

Children Board

Licensing Service

Environmental Health

Representations

South Yorkshire Police

come by email 11/4/18

B1

Greg Fell
Director of Public Health
Sheffield City Council
Town Hall
Sheffield
S1 2HH



Tel : 0114 2057463
Mob: 07891 564912
Email : greg.fell@sheffield.gcsx.gov.uk
@felly500

Date:29/03/18

Dear Licencing Committee

I would like to confirm my objection for the licence application of MINT premise, London Rd, Sheffield City Council Health and Safety Enforcement officers have found this premise to be operating illegally. This premise has on a number of occasions chosen to breach the Smokefree law and is continuing to do so. To my knowledge there is no outdoor area allocated for smoking of tobacco products either cigarettes or Shisha. Allowing smoking indoors puts their customers and staff at risk from the dangers of inhaling secondhand smoke which has been proven beyond doubt to cause serious harm to health.

I submit the following information below to be considered as impacting evidence.

Smoking is still the single biggest killer. In Sheffield smoking kills 16 people a week. It is estimated that 5 children start smoking every day in Sheffield. Tobacco is an addiction that begins in childhood. The majority of people begin smoking as teenagers, 67% before age 18 and 84% by age 19 very few start post twenty-one years. Smoking is a major cause of inequalities in death rates between the richest and poorest in the city. Cheap and Illicit tobacco, which is typically smoked by poorer individuals, exacerbates these health inequalities.

Smokefree legislation is effective in reducing harm

Smokefree legislation has been very effective in reducing the harms associated with tobacco in both workers and the general population, as has been found by numerous international pieces of research. There is no safe level of exposure to secondhand smoke. In 2010 a Cochrane review¹ of 12 studies found consistent evidence of reduction in hospital admissions for cardiac events following the implementation of Smokefree Laws.

Smokefree legislation changes social norms around smoking by reducing the visibility, acceptability of smoking. Evidence indicates that Smokefree legislation has contributed to a reduction in the amount that adults and young people smoke, increase the number of people who quit and has prevented children from starting. Breaches in the smokefree law undermine these outcomes.

Harm from Shisha smoking

Traditionally Shisha contains tobacco, so like cigarettes it contains nicotine, tar, carbon monoxide and heavy metals, such as arsenic and lead. As a result, children and young people who smoke shisha are at risk of the same kinds of diseases as cigarette smokers. Smoking Shisha causes serious risks to respiratory health both in the short and long term. Shisha smoker are two to six times more susceptible to coughs and increased phlegm, wheeziness and shortness of breath than those who do not smoke^[1] Smoking

impairs lung growth in children and initiates premature lung function decline which may lead to an increased risk of chronic obstructive lung disease later in life.

The earlier children become regular users of tobacco and persist in the habit as adults, the greater the risk of developing lung cancer or heart disease. Children are also more susceptible to the effects of passive smoking. Bronchitis, pneumonia, asthma and sudden infant death syndrome (cot death) are significantly more common in infants and children and young people who have one or two smoking parents.

It's difficult to say exactly how much smoke or toxic substances you're exposed to in a typical shisha session. People smoke shisha for much longer periods of time than they smoke a cigarette, and in one puff of shisha you inhale the same amount of smoke as you'd get from a smoking a whole cigarette. The average shisha-smoking session lasts an hour and research has shown that in this time you can inhale the same amount of smoke as from more than 100 cigarettes. Therefore the risk to health could be more significant for those who smoke Shisha as opposed to cigarettes.

Some people mistakenly think that shisha smoking is not addictive because the water used in the pipe can absorb nicotine. In reality, because only some of the nicotine is absorbed by the water, shisha smokers are still exposed to enough nicotine to cause an addiction.

Shisha smoking in enclosed premises undermines our efforts to reduce smoking prevalence associated harm and health inequalities in Sheffield.

Sheffield City Council commissions a comprehensive programme of tobacco control in order to dramatically reduce smoking prevalence amongst adults, children and pregnant women.

SCC vision is: that people will live longer healthier lives, smokefree and we will achieve a Smokefree generation by 2025, Sheffield children will grow up in a city where smoking is unusual. Sheffield will be a smokefree city in which to live, work and play.

The programme focuses on prevention measures - stopping children from starting, policy - increasing the number of Smokefree outdoor sites, identification of smokers, stop smoking support for adults and children, and harm reduction - swapping smoking for vaping for those smokers who cannot or will not stop.

Yours sincerely



Greg Fell
Director of Public Health

¹ http://www.cochrane.org/CD005992/TOBACCO_does-legislation-ban-smoking-reduce-exposure-secondhand-smoke-and-smoking-behaviour



B3

9.4.18

The Licensing Authority
Licensing Service
Business Strategy & Regulation
Block C, Staniforth Road Depot
Sheffield S9 3HD

Address correspondence to:

Julie Hague
Sheffield Safeguarding Children
Board - Licensing Project
Floor 3
Howden House
Union Street
Sheffield S1 2SH
Telephone: 0114 2736753
Email: Julie.hague@sheffield.gov.uk
Fax: 0114 2734628

Dear Sirs

APPLICATION FOR A PREMISES LICENCE: THE MINT PARIS LOUNGE, 42 – 46 LONDON ROAD, SHEFFIELD S2 4LR

I am writing on behalf of the Sheffield Safeguarding Children Board to make a Representation in relation to the above application. The reason for the Representation is that if the licence is granted, the premises will continue to operate illegally as an adult café style lounge where shisha is consumed and to which unaccompanied children and young people have gained access and are at risk of harm.

The Safeguarding Children Board notes that the applicant, Ms Zobia Rafique, has had a history of involvement with the premise, since it opened as a shisha café in 2016. During this time, the Council has prosecuted the premises management twice for indoor smoking and a number of concerns have been reported to the Safeguarding Children Board, that unaccompanied vulnerable children and young people have frequented the premises and been at risk of harm.

In order to investigate the safeguarding complaints and to establish what systems are in place, I have attended the premises on 12.11.16, 25.3.17, 24.1.18, 7.3.18 as part of a multi-agency visit. On each occasion, I have witnessed breaches of smoking legislation and there has been a lack of evidence of an age verification scheme (no refusals log or staff training records available).

The premises is located on London Road, an area that is popular with young people and is easy to reach by public transport. The venue is reputed to attract young people, some of whom report that they travel to the venue from other towns.

The Safeguarding Children Board is concerned that, despite a licence condition prohibiting access, children have reported going to this venue and during inspection, a recognised age verification scheme has not been evidenced.

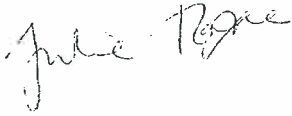
Continued .../

B4

The Safeguarding Children Board notes that the applicant, Ms Rafique, has offered at Part M (e) of the application, a licence condition to prohibit persons under the age of 18 from accessing the premises. However there are concerns that (i) this condition has not been effective in the past and (ii) the applicant has not stated how this policy will be enforced.

In light of the history of the premises and its lack of responsible governance during the applicant's association with the venue, the Safeguarding Children Board is concerned that non compliance and risk will continue to occur, if the application for a licence is granted.

Yours faithfully



JULIE HAGUE
Licensing Manager
Sheffield Safeguarding Children Board

11th April 2018

APPLICATION FOR A NEW PREMISES LICENCE – OBJECTION: 42/46 LONDON ROAD,
SHEFFIELD, S2 4LR

I am writing as a Responsible Authority under the Licensing Act 2003 to formally object to the application for a premises licence to be granted. The grounds of the core objectives relating to the Licensing Act 2003:


- Prevention of Crime & Disorder
- Public Safety

The Licensing Service (Responsible Authority) are not supportive of the application to operate the premises as there is evidence that the premises have been operating as a shisha bar, allowing customers to smoke shisha inside the premises. I believe that the premises are not compliant with 'smoke-free' legislation that was introduced on 1st July 2007. The Licensing Service has witnessed the smoking of shisha taking place inside the premises on a number of occasions whilst carrying out visits. In light of the above and the legal action already taken against the premises through the courts, the premises have continued to break the law and from my recent visits to the premises, I anticipate that the premises will continue to break the law in the future.

The smoke-free legislation was introduced to prevent everyone from the harm associated with smoking. The Statement of Licensing Policy 2016 also refers to the Sheffield City Council Joint Health & Wellbeing Strategy which points out that smoking remains the single largest reversible cause of ill health in Sheffield, therefore, this type of operation to allow the smoking of tobacco and/or shisha inside premises does not fit in with the policies and strategies of Sheffield City Council as well as the smoke-free legislation itself.

I am also able to confirm that I have witnessed people smoking shisha inside the premises, the latest occasion on 7th March 2018 when a joint responsible authority meeting was conducted alongside a colleague from Licensing, Environmental Health Officer Sean Gibbons, Julie Hague of Sheffield Safeguarding Children's Board and Cheryl Topham from South Yorkshire Police Licensing and supporting Police Officers.

By reason of the aforementioned points that have been made, the Licensing Authority feel it necessary to object to the application and support the comments made by the Responsible Authorities in this case.



.....
Georgina Hollis
Licensing Enforcement & Technical Officer

Copy to: Zobia Rafique, [REDACTED] Sheffield, [REDACTED]

Place
Business Strategy and Regulation

Redd email 11/4/18 -

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Director of Business Strategy and Regulation: Mick Crofts
Environmental Regulation
5th Floor (North) • Howden House • 1 Union Street • Sheffield • S1 2HS
Fax No. (0114) 273 6464

Officer: Mr S Gibbons
sean.gibbons@sheffield.gov.uk
Ref: 42-46 London Rd/sg

Tel: 0114 273 4616
Date: 11 April 2018

Licensing Service
Block C
Staniforth Road
Sheffield
S9 3HD

Dear Sir or Madam

Licensing Act 2003- Application for New Premises Licence
Premises: 42-46 London Road, Sheffield, S2 4LR

As a responsible authority under the Licensing Act 2003, I am formally objecting to this licence being granted.

Mint Paris of 42-46 London Road opened up as a shisha bar and the operators have been prosecuted twice under the Health Act 2006 for allowing smoking to take place indoors.

During the previous licence application in 2016, Zobia Rafique, who is related to the previous operator-Hassan Butt, was connected with the application.

Despite two prosecutions, no attempts have been made to comply with the law and breaches continue. Recent enforcement visits were carried out in January and March 2018. Further legal proceedings are to follow for the continuous disregard for the smoke free law.

Zobia Rafique is fully aware that the premises are operating illegally.

Yours faithfully

Mr S Gibbons
Environmental Health Officer

Copy to

Zobia Rafique, 107 Hastings Road, Sheffield, S7 2GT

Email Address: HealthProtection@sheffield.gov.uk
Visit us at: www.sheffield.gov.uk/environment/how-we-work/health-protection/

Large print versions of this letter
are available by telephoning
(0114) 273 4415/273 5774 **Page 27**

From: Gough Jayne (CEX) on behalf of licensingservice
Sent: 23 March 2018 17:13
To: McConaghy Julianne; Triandafillithis Julia
Subject: FW: Notification of Objection to Premises Licence application- 42 - 46 London Road

From: Pates Neal
Sent: 23 March 2018 17:12
To: zobiarafique@hotmail.co.uk
Cc: licensingservice; Singh Bob
Subject: Notification of Objection to Premises Licence application- 42 - 46 London Road

Dear Mrs Rafique,

As discussed in our telephone conversation just now, I represent SCC Environmental Protection Service (EPS), and our concern in relation to your current premises licence application is to control noise. We are the Responsible Authority for the Prevention of Public Nuisance.

As I said, I am dealing with this temporarily, in the absence of my colleague Mr Bob Singh, who has previously dealt with the premises, both in the context of your 2016 planning application to establish the food use (ref. 16/01897/FUL), and in connection with some reported noise issues.

As we said, on looking into this in Bob's absence, I've noted that the planning permission had a condition requiring a scheme of sound insulation work, and it looks like this has not been discharged. I'm currently seeking confirmation of this from our planning enforcement team.

In light of all of the above, and to allow Bob time to deal with this on his return, I'm notifying you now of my formal objection to your application for a premises licence. However, I would stress that it is likely that this objection can be lifted, once suitable controls over noise have been agreed.

To get the process started, could I ask you if you would be willing to volunteer the following couple of conditions?

The Designated Premises Supervisor or a delegated member of staff shall take a pro-active approach to noise control, checking to ensure that internal noise including noise from recorded music is managed so as not to cause a nuisance to occupiers of adjoining or nearby residential properties.

Licensable activities shall not commence until a scheme of sound attenuation works have been carried out to the written satisfaction of Sheffield City Council's Environmental Protection Service. The scheme shall include works designed to mitigate sound transmission to the upper floors of the building, including attenuation of noise from amplified sound, and from any external plant or ventilation provisions installed.

Thanks for your assistance in this this matter.

Kind regards,

Neal Pates

Neal Pates
Environmental Protection Officer

Sheffield City Council
Environmental Protection Service Commercial Team
5th Floor (North)
Howden House
1 Union Street
Sheffield
S1 2SH

Tel: +44 (0)114 273 4651
Mob: +44 (0)7795 528 038
Int: x 53586



South Yorkshire
POLICE

38

South Yorkshire Police
Carbrook House
Carbrook Hall Road
Sheffield
S9 2EH

RE- Application for License

Mint Lounge
42-46 London Road
Sheffield
S2 4LR

South Yorkshire Police are fully supportive of the objections made by Sheffield City Council Health and Safety and Sheffield Safeguarding Children Board.

Health and Safety's objection is on the basis that the business proprietor has been prosecuted twice for allowing smoking to take place indoors and since this no attempts have been made to comply with the law. Further legal proceedings are to follow for the continuous disregard to the smoke free legislation. Smoking indoors is against the law and time after time proprietors of Shisha Bars in Sheffield flout this law leaving Health and Safety with no option than to take enforcement action.

Sheffield Safeguarding Children Board have objected due to their concerns that young people under 18 are accessing the venue and have been at risk of harm. Despite their previous Premises License having a license condition which prohibited access to children there was still information being provided that young people were gaining entry. Therefore, if a license was to be granted again with this same condition I am not satisfied this would be adhered to.

Due to the non-compliance of the law by the business proprietors at Mint Lounge I am not satisfied they are a fit and proper to hold a Premises Licence nor would they comply with any conditions which were attached to it.

Yours faithfully,
For and on behalf of

Chief Constable, South Yorkshire Police

Appendix C

Agreed conditions
Environmental Protection Services

- CI
1. All doors and windows shall be closed, save for access and egress or in case of emergency, when amplified sound is present in the premises.
 2. The DPS or designated member of staff must take a proactive approach to noise control, checking outside the premises to ensure that noise is kept to a reasonable level from patrons in the external area and access/egress.
 3. The premises licence holder shall prominently display notices on all exits reminding patrons to leave the premises in a quiet and orderly fashion to respect the local neighbour's needs.
 4. **No amplified sound shall be played in the premises except through an in-house amplified sound system fitted with a sound limiter. The settings of which shall have received the prior written approval of the Environmental Protection Service.**

As a result of the above agreement on conditions, I would be grateful for your confirmation of the withdrawal of your objection, thus avoiding the need for a formal hearing. Many thanks for your assistance on this.

Kindest regards,

Paul

Regards

Paul Henocq
Associate

PHenocq@john-gaunt.co.uk | www.john-gaunt.co.uk
T: 0114 266 8664 | M: 07703 730 836 | F: 0114 267 9513



Omega Court | 372-374 Cemetery Road | Sheffield | S11 8FT

Premises Licences | Personal Licences | DPS Changes | Temporary Event Notices
APLH Courses | Reviews | Due Diligence | Betting and Gaming | eLearningPlus

For more details on our services please click on the links above.

From: Singh Bob [mailto:Gursharn.Singh@sheffield.gov.uk]
Sent: 12 April 2018 12:25
To: Paul Henocq <PHenocq@john-gaunt.co.uk>
Cc: licensingservice <licensingservice@sheffield.gov.uk>; Hollis Georgina (CEX) <Georgina.Hollis@sheffield.gov.uk>; zobia rafique (zobiarafique@hotmail.co.uk) <zobiarafique@hotmail.co.uk>
Subject: RE: Zobia Rafique - 41/46 London Road (Mint Lounge)

Dear Paul,

Thank you for your e-mail dated 11/04/18.

Appendix D

Hearing notices and Regulations

**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

DI

Zobia Rafique
[REDACTED]
Sheffield
[REDACTED]

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 14th March 2018 received an application in respect of the premises known as;

Mint Lounge 42/46 London Road Sheffield

During the consultation period, the Council received representations from the following authorities / interested parties:

- **5 x responsible Authorities**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **8th May 2018 10.00am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 19th April 2018

Signed: **Clive Stephenson**
The officer appointed for this purpose
Licensing Enforcement and Technical Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD. licensing@sheffield.gov.uk



**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

D2

Julie Hague
Sheffield Safeguarding Children Board

Sent via email: julie.hague@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 14th March 2018 received an application in respect of the premises known as;

Mint Lounge 42/46 London Road Sheffield S2 4LR

During the consultation period, the Council received representations from the following authorities / interested parties:

- **X 5 Responsible Authorities**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **8th May 2018 at 10am**; following which the Council will issue a notice of determination of the application.

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- 1) the representations you have made, upon which you may be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your representation.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 19th April 2018

Signed: **Clive Stephenson**
The officer appointed for this purpose
Licensing Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD.

licensing@sheffield.gov.uk



**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

Licensing Service
Sheffield City Council
Staniforth Road
Sheffield

Sent via email: Georgina.hollis@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 14th March 2018 received an application in respect of the premises known as;

Mint Lounge 42/46 London Road Sheffield S2 4LR

During the consultation period, the Council received representations from the following authorities / interested parties:

- **X 5 Responsible Authorities**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **8th May 2018 at 10am**; following which the Council will issue a notice of determination of the application.

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Dated: 19th April 2018

Signed: **Clive Stephenson**
The officer appointed for this purpose
Licensing Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD.

licensing@sheffield.gov.uk



**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

Gregg Fell
Director of Public Health
Sheffield City Council

Sent via email: greg.fell@sheffield.gcsx.gov.uk

The Sheffield City Council being the licensing authority, on the 14th March 2018 received an application in respect of the premises known as;

Mint Lounge 42/46 London Road Sheffield S2 4LR

During the consultation period, the Council received representations from the following authorities / interested parties:

- **X 5 Responsible Authorities**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **8th May 2018 at 10am**; following which the Council will issue a notice of determination of the application.

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Dated: 19th April 2018

Signed: **Clive Stephenson**
The officer appointed for this purpose
Licensing Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD.

licensing@sheffield.gov.uk



**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

Sean Gibbons
Environmental Regulation
Sheffield City Council

Sent via email: sean.gibbons@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 14th March 2018 received an application in respect of the premises known as;

Mint Lounge 42/46 London Road Sheffield S2 4LR

During the consultation period, the Council received representations from the following authorities / interested parties:

- **X 5 Responsible Authorities**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

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- 1) the representations you have made, upon which you may be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your representation.

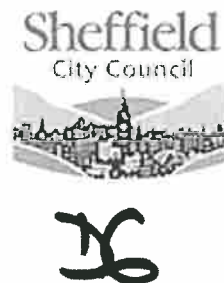
Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 19th April 2018

Signed: **Clive Stephenson**
The officer appointed for this purpose
Licensing Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD.

licensing@sheffield.gov.uk



**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

Licensing Team
South Yorkshire Police

Sent via email: sheffield.Liquor-licensing@southyorks.pnn.police.uk

The Sheffield City Council being the licensing authority, on the 14th March 2018 received an application in respect of the premises known as;

Mint Lounge 42/46 London Road Sheffield S2 4LR

During the consultation period, the Council received representations from the following authorities / interested parties:

- **X 5 Responsible Authorities**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **8th May 2018 at 10am**; following which the Council will issue a notice of determination of the application.

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The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) the representations you have made, upon which you may be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your representation.

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Dated: 19th April 2018

Signed: Clive Stephenson
The officer appointed for this purpose
Licensing Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD.

licensing@sheffield.gov.uk

Right of attendance, assistance and representation

- 15. Subject to regulations 14(2) and 25, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

Representations and supporting information

- 16. At the hearing a party shall be entitled to –
 - (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice (as applicable),
 - (b) if given permission by the authority, question any other party; and
 - (c) address the authority

Failure of parties to attend the hearing

- 20. – (1) If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may:–
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the party's absence.
- (3) Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

Procedure at hearing

- 21. Subject to the provisions of the Regulations, the authority shall determine the procedure to be followed at the hearing.
- 22. At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.
- 23. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.
- 24. The authority must allow the parties an equal maximum period of time in which to exercise their rights provided for at regulation 16.
- 25. The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may –
 - (a) refuse to permit that person to return, or
 - (b) permit him to return only on such conditions as the authority may specify, but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

Regulation 8

DR

- (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –
 - (a) whether he intends to attend or be represented at the hearing;
 - (b) whether he considers a hearing to be unnecessary
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
- (3) In the case of a hearing under –
 - (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
 - (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

- (4) In the case of a hearing under –
 - (a) section 167(5)(a) (review of premises licence following closure order),
 - (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
 - (c) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

Licensing Act 2003 – Hearing Procedure – Regulation 7 (1)

D9

This procedure has been drawn up in accordance with the Licensing Act 2003 to assist those parties attending Licensing Committee hearings.

1. The hearing before the Council is Quasi Judicial.
 2. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
 3. The Chair will ask the applicants to formally introduce themselves.
 4. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
 5. Hearing Procedure:-
 - (a) The Licensing Officer will introduce the report.
 - (b) Questions concerning the report can be asked both by Members and the applicant.
 - (c) The Licensing Officer will introduce in turn representatives for the Responsible Authority and Interested Parties who will be asked to detail their relevant representations.
 - (d) Members may ask questions of those parties
 - (e) With the leave of the Chair the applicant or his representative may cross examine the representatives of the Responsible Authorities and Interested Parties.
 - (f) The applicant/licensee (or his/her nominated representative) will then be asked to:-
 - (i) detail the application;
 - (ii) provide clarification on the application and respond to the representations made.
 - (g) The applicant/licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
 - (h) The applicant will then be given the opportunity to sum up the application.
 - (i) The Licensing Officer will then detail the options.
 - (j) There will then be a private session for members to take legal advice and consider the application.
 6. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.
- NB:
- 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
 - 2) The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

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