

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 22 November 2022

PRESENT: Councillors David Barker (Chair), Denise Fox and Abdul Khayum

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Roger Davison attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - CORNER SHOP, 253 GLOSSOP ROAD, SHEFFIELD, S10 2GZ

- 4.1 The Chief Licensing Officer submitted a report to consider an application, made by the Licensing Authority, under Section 51 of the Licensing Act 2003, for a review of a premises licence in respect of The Corner Shop, 253 Glossop Road, Sheffield, S10 2GZ (Ref. No. 157/22).
- 4.2 Present at the meeting were Gareth Barrett (Licensing Authority, Applicants), Ian Armitage (South Yorkshire Police Licensing Enforcement Officer), Julie Hague (Sheffield Children's Safeguarding Partnership), Jayne Gough (Licensing Policy and Strategy Officer), Samantha Bond (Legal Advisor to the Sub-Committee), Jack Risely-Boyt (Shadow Legal Adviser 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 South Yorkshire Police (SYP) and the Sheffield Children's Safeguarding Partnership (SCSP), and were attached at Appendix "C" to the report. Ms Gough stated that the premises licence had originally been granted in July 2022, and shortly after this, the licence was transferred to the current Premises Licence Holder. As the licence itself had not yet been issued at the time of the transfer, Licensing Officers had hand-delivered the licence to the premises to ensure that the new licence holder was fully aware of what had been

agreed at the hearing in July 2022, and all the conditions were fully outlined. The Premises Licence Holder had been invited to the meeting but was not present.

- 4.5 Gareth Barrett reported on the grounds as to why the application had been made by the Licensing Service, and he referred to his role, as Licensing Enforcement and Technical Officer, in terms of trying to ensure that premises licence holders adhered to the conditions of their premises licences. Mr Barrett stated that, in those cases where this did not happen, the Service would provide assistance to help licensees achieve compliance and, if they continued to disregard the conditions, enforcement action would be taken. Mr Barrett attended the premises on 3rd September 2022, and handed a transfer of premises licence form, which set out all the conditions on the current premises licence, to a shop worker as the licensee, Mr Ehshan Naderi, was not present. Mr Barrett spoke to Mr Naderi by phone, explaining the purpose of his visit, and referred to the conditions on the licence. This was followed up by a warning letter, giving Mr Naderi two weeks to comply. Mr Barrett stated that, during his inspection, he noticed that the premises licence was not displayed, there was a bed in the store room, there were missing tiles on the shop floor and the floor was uneven, creating a trip hazard. Mr Barrett made a further visit to the premises on 20th September, 2022, with Catherine Jarvis (SYP Licensing Enforcement Officer), and found that 10 conditions on the premises licence were still not being adhered to. Again, Mr Naderi was not present, and Mr Barrett spoke to him on the phone, explaining the specific condition breaches. Following a suggestion by Mr Barrett, Mr Naderi agreed to a voluntary closure of the premises to allow him time to take the necessary steps to ensure that the 10 conditions were adhered to, and to contact Ms Jarvis to arrange a further visit. Ms Jarvis visited the premises on 21st September 2022 and found the shop to be open. On the grounds of the repeated failings to adhere to his licence conditions, together with the failure to work with the Licensing Service or SYP, Mr Barrett had been forced to submit an application for a review of the premises licence.
- 4.6 On 18th November 2022, Mr Barrett made a further visit to the premises and spoke to a shop worker, Mr Barzan Ahmed, who confirmed that his cousin, Mr Karzan Aziz was now the new owner of the premises, but the licence had not yet been transferred to him. Mr Barrett went through the nine condition breaches with Mr Ahmed, and also, during his visit, found a bag containing suspected counterfeit vapes. Mr Barrett confirmed that, to date, the licence had still not been transferred, therefore Mr Naderi remained the Premises Licence Holder. He concluded by stating that as Mr Naderi had failed to co-operate with the Licensing Service, he had recommended a full revocation of the premises licence as he had no confidence that Mr Naderi would be able to comply with any of the licence conditions.
- 4.7 Ian Armitage, on behalf of Catherine Jarvis, stated that he concurred with everything Mr Barrett had said, and referred to Ms Jarvis' representations, as set out in the papers, indicating that these also concurred with everything reported by Mr Barrett. He stated that, in his experience, he did not believe that the Licencing Service or SYP could have assisted the premises any further, and fully supported the decision to submit the review application and the recommendation

to revoke the premises licence.

- 4.8 Julie Hague stated that the Sheffield Children Safeguarding Partnership (SCSP) had been very concerned at an early stage with regard to the non-compliance of very basic conditions in terms of age verification, which the Partnership relied on in terms of safeguarding children and young people. She stated that there were particular concerns regarding the sale of alcohol and, as now reported, the sale of suspected counterfeit vapes. There was still no evidence of any age verification schemes or safeguarding policies or procedures, and there had been no communication with the Premises Licence Holder. Ms Hague stated that she had recently contacted Mr Naderi to discuss her concerns, but he had simply told her that he had nothing to do with the shop, and was not able to provide the contact details of the new owner. Ms Hague concluded by stating that if the Sub-Committee was mindful to modify the licence conditions, such conditions should be very specific in terms of staff training records, including induction, refresher and fake ID training, and age verification policies and procedures.
- 4.9 In response to questions raised by Members of, and the legal adviser to, the Sub-Committee, Jayne Gough explained the position regarding the history of the premises licence, and confirmed that Mr Naderi was still responsible for the licence conditions. Mr Aziz had confirmed that he was the current licence holder, and Mr Barzan Ahmed, Mr Aziz's cousin, had been the licensee of the Nile Market, Pitsmoor, the licence of which had been reviewed and subsequently revoked by the Sub-Committee. The Corner Shop was still trading, and had been open on 18th November 2022, when visited by Catherine Jarvis. The layout of the premises had changed significantly, with 60 to 70% of sales on display representing alcohol. The Licensing Service had not received any reports of incidents arising from breaches of the licence conditions, and had informed Trading Standards about the suspected counterfeit vapes, and that Service was now making its own enquiries. During the inspection on 3rd September 2022, Mr Barrett witnessed cameras in place, but noted that they were not in operation. On 18th November 2022, Mr Barrett noted that the cameras were now working, but that recordings were only being maintained for three days, and that there was no CCTV log available for inspection at that time. Mr Barrett stated that, in his experience, it was very unusual for a Premises Licence Holder not to comply with requests being made by the responsible authorities, particularly given the level of assistance provided.
- 4.10 All parties summarised their cases.
- 4.11 **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 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 and the responses to the questions raised, the premises licence in respect of the premises known as The Corner Shop, 253 Glossop Road, Sheffield, S10 2GZ (Ref No. 157/22), be revoked on the grounds that the premises licence holder has consistently undermined the licensing objectives, particularly with regard to the prevention of crime and disorder, public safety and the protection of children from harm.

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