

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 14 June 2012

PRESENT: Councillors Ian Saunders (Deputy Chair), Clive Skelton and Philip Wood

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. LICENSING ACT 2003

3.1 The Chief Licensing Officer submitted a report to consider an application for the review of a premises licence, made under Section 51 of the Licensing Act 2003 in relation to the premises known as D'Beers, 66 Crookes, Sheffield, S10 1UG.

3.2 Present at the meeting were Benita Mumby (Licensing Officer, South Yorkshire Police), Julie Hague (Sheffield Safeguarding Children Board Licensing Project Manager), Neil Tyler (Owner, D'Beers), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Gillian Capewell (Democratic Services).

3.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

3.4 Andy Ruston presented the report to the Sub-Committee and it was noted that the applicant for the review was South Yorkshire Police.

3.5 Ms. Mumby outlined the concerns of South Yorkshire Police (SYP) over the operation of the premises, which included six failed test purchases out of nine which had taken place since 2008 (five of which had been where Mr. Tyler had been serving). She commented that the premises management had consistently shown disregard for the conditions of the licence, and that the premises had undergone a period of suspension following a failed test purchase at the end of 2011. Ms. Mumby commented that, although there was no anti-social behaviour directly linked to the premises, it was essential to address the issue of persistent under-age alcohol sales.

3.6 It was noted that there had been a further failed test purchase on 10th March 2012, but that Mr. Tyler had not been serving on this occasion.

- 3.7 Ms. Hague then addressed the Sub-Committee, outlining the dangers associated with under-age drinking. She commented that she was extremely disappointed to be in this position today, as she had worked closely with Mr. Tyler over the past three years, and that staff working at D'Beers had attended courses and workshops that had been offered, but that this did not seem to have made any difference to the sales operation, as there had still been persistent test purchase failures. Ms. Hague added that Mr. Tyler had always been cooperative, affable and willing, but that the training and guidance she had offered did not seem to have worked with him, and levels of competence at the premises remained insufficient.
- 3.8 She stated that she would like to see some positive action take place in relation to the premises.
- 3.9 Mr. Tyler then addressed the Sub-Committee, stating that he fully agreed with everything that had been said so far at the meeting. He added that a former member of staff, Mr. Mason, who was responsible for the failed test purchase of 10th March 2012 no longer worked at the premises.
- 3.10 Mr. Tyler added that, ever since he had been responsible for the failed test purchase of 4th November 2011, he had not worked at the store in a retail capacity. He told the Sub-Committee that he completely acknowledged his incompetence at running a successful operation at the premises, and admitted that he was not as suited to the job as he thought he would be. He added that he was a qualified nurse, and that he was fully aware of the dangerous effects of alcohol on children. He stated that he had never intended to serve under-age persons and that he was extremely disappointed with the way things had turned out.
- 3.11 He added that he now intended to sell the business, and that the premises were currently in the hands of the Kings Business Transfer Body, as he felt that the business was no longer viable to operate.
- 3.12 Mr. Tyler added that he had not worked in a retail capacity in the shop for the last six months, but that he was still responsible for staff training, recruitment, deliveries and stock rotation.
- 3.13 With regard to the operation of the Challenge 25 scheme, Mr. Tyler stated that he had three either Challenge 21 or Challenge 25 signs within the retail area, but that he could not remember which scheme was in operation at the shop. He added that he employed a Designated Premises Supervisor (DPS) at the premises, but that this person did not work actually in store very often, as the DPS had moved house and now lived outside Sheffield. There was another member of staff who acted in a quasi-managerial role at the shop, although this person did not have a Personal Licence.
- 3.14 Mr. Tyler added that there was a fairly steady team of staff at the shop, and that he had two members of staff who had joined the team recently. He had not sent these two new members of staff on training courses yet,

- as his intention was to sell the business as soon as possible.
- 3.15 With regard to the Court Summons received by Mr. Tyler, Mr. Tyler explained to the Sub-Committee that he had paid an £80 fine and accepted a 48 hour closure after the failed test purchase in November 2011, but he felt that there may have been an administrative error at the Courts as he had still received a Court Summons requiring his attendance at a hearing despite having accepted the fine and the closure order. He informed Members that he had hand delivered a letter to the Courts to explain the situation and the case had subsequently been dismissed. Ms. Mumby clarified that Mr. Tyler had been convicted of a more serious offence around this time, which is how the confusion may have arisen.
- 3.16 In summary, Ms. Mumby stated that the premises had been run in an irresponsible manner for the past three years, and urgent change was required. Ms. Hague added that she had tried everything possible to attempt to educate Mr. Tyler about his responsibilities as a licence holder, but that she remained extremely concerned that the interventions had not improved the operation at the premises. Mr. Tyler concluded that he deeply regretted his failings, and that he intended to sell the business as quickly as possible, and accept this as a personal financial loss.
- 3.17 Mr. Ruston then provided the Sub-Committee with the options available to them.
- 3.18 RESOLVED: That the public and press and attendees involved in the application for review 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.
- 3.19 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 3.20 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 3.21 RESOLVED: That the Sub-Committee agrees to revoke the licence for the premises known as D'Beers, 66 Crookes, Sheffield, S10 1UG.
- 3.22 (The full reasons for this decision will be sent out in the notice of determination.)