

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 15 January 2015

**PRESENT:** Councillors Geoff Smith (Chair), Stuart Wattam and Cliff Woodcraft

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

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

#### **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 - APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR**

- 4.1 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence, made under Section 37 of the Licensing Act 2003, to specify an individual as Designated Premises Supervisor (Case No. 06/15).
- 4.2 Present at the meeting were the General Manager (Applicant), a representative of the premises' owners, Benita Mumby (South Yorkshire Police, Objector), Clive Stephenson (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 Clive Stephenson presented the report to the Sub-Committee and it was noted that representations had been received from South Yorkshire Police, 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 2014, and that the Police's objection related to Section 5 of the Rehabilitation of Offenders Act, based on the licensing objective regarding the prevention of crime and disorder. Ms Mumby made reference to the sentence the applicant had received and stated that, for these reasons, the Police did not believe that he was a fit and proper

person to hold the position of Designated Premises Supervisor. Ms Mumby also responded to a number of questions raised by Members of the Sub-Committee, Marie-Claire Frankie and the representative of the premises' owners.

- 4.6 The applicant stated that he had held a Premises Licence for the last eight years, and had also been a Designated Premises Supervisor (DPS) at two licensed premises in different areas of the country, without experiencing any problems. He stressed that, in his position of DPS, he had always upheld all licensing rules and regulations. He provided an explanation of the offence, indicating that it was a one-off, stupid mistake, for which he was very regretful.
- 4.7 RESOLVED: That the 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.
- 4.8 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, in the light of the information contained in the report now submitted, and the representations now made, the application to vary a Premises Licence to specify an individual as Designated Premises Supervisor, in respect of the premises now mentioned (Case No. 06/15), be granted.

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