

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 26 January 2016

**PRESENT:** Councillors David Barker (Chair), Anne Murphy and Cliff Woodcraft

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

1.1 An apology for absence was received from Councillor Zoé Sykes.

#### **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 - HK OFF LICENCE AND MINI MARKET, 66 CROOKES, SHEFFIELD S10 1UG**

4.1 The Chief Licensing Officer submitted a report to consider an application made by Sheffield Trading Standards, under Section 51 of the Licensing Act 2003, for a review of the Premises Licence in respect of the premises known as HK Off Licence and Mini Market, 66 Crookes, Sheffield S10 1UG.

4.2 Present at the meeting were David Palmer and John Maher (Sheffield Trading Standards, Applicants), Benita Mumby and Cheryl Topham (South Yorkshire Police), Julie Hague (Sheffield Safeguarding Children's Board Manager), Srinivas Vangol (Premises Licence Holder), Eamonn Ward (Green Party, observer), Elaine Kaisi (parent) and Dan Hobson (Press), Shelley Marshall (Licensing Enforcement and Technical Officer), Paul Barber (Solicitor to the Sub-Committee), Samantha Bond (Professional Officer, Legal Services) and Jennie Skiba (Democratic Services).

4.3 Paul Barber outlined the procedure which would be followed during the hearing.

4.4 Shelley Marshall presented the report to the Sub-Committee and it was noted that representations had been received from the Sheffield Safeguarding Children's Board, South Yorkshire Police and one local resident, and were attached at Appendix B to the report.

4.5 David Palmer stated that there were various facets to this application and that sometime during July, 2015, a 15 year old boy had visited the premises and had purchased a bottle of Glen's vodka. The boy had returned to the store on 9<sup>th</sup> August, 2015 and again had purchased a bottle of 40% ABV strength vodka. The boy then shared the vodka with his 16 year old friend who, as a result of drinking

the vodka was taken to A&E.

- 4.6 David Palmer then outlined some history with regard to these premises. He stated that in December 2014, a joint Trading Standards and Police operation had been carried out when they had visited the premises of all known sellers of Novel Psychoactive Substances (NPS or “legal highs”) which included HK Off Licence. He added that the traders were given verbal and written advice, stating that such products were likely to be dangerous and that their supply could be illegal. Mr. Palmer stated that he had revisited the premises in February, 2015 and found 20 bags of the substance, along with an amount of “button bags” which were subsequently seized. Bottles of gin were also found on the premises which had no duty paid label displayed and these were also seized. The owner was served with a written warning regarding the NPS and on the 22<sup>nd</sup> May, 2015 was given a caution regarding the illegal gin.
- 4.7 John Maher stated that on 11<sup>th</sup> August, 2015, he had received a complaint from the family of a 16 year old who told him that a friend of their son had obtained a bottle of Russian vodka from HK Off Licence and that as a result of sharing the vodka, the 16 year old was taken ill and admitted to hospital later that day. He added that there was a need to establish whether the vodka was illegal or counterfeit and the child had been harmed by the vodka alone. The child’s family also stated that the 15 year old had been able to obtain alcohol at some time during July.
- 4.8 John Maher stated that following the complaint, on 20<sup>th</sup> August, 2015, a joint agency visit to the store was made by PC Young, Julie Hague and himself and it was found that there was failure to comply with various licensing conditions. PC Young asked to see CCTV footage during July and August. As background information as to the nature of the premises, Mr. Maher informed the Sub-Committee that the premises was a small corner shop where over 50% of the products on display was either alcohol or tobacco products. He added that outside the shop, one Challenge 25 poster and a poster stating what was considered to be valid I.D. were displayed, but other than that there was nothing else displayed inside the shop. Mr. Maher stated that PC Young had looked at the CCTV footage and searched for the relevant days.
- 4.9 At this point, John Maher showed the CCTV footage from 9<sup>th</sup> August to the Sub-Committee. He went on to read through a statement he had obtained from the 15 year old boy who said that when Mr. Vangol had asked him for I.D., the boy had told him he did not have any I.D. on him and gave him a false date of birth. The boy gave Mr.Vangol £14 and left the shop, only to return later in the day to purchase some more alcohol.
- 4.10 In response to questions from members of the Sub-Committee, John Maher stated that he had been unable to obtain CCTV footage from July and that there was no way of knowing whether the vodka had been counterfeit or not. He further stated that Mr. Vangol had told Trading Standards officers that some of the alcohol available in his shop had been purchased from Bargain Booze and local supermarkets. When asked if he thought the boy he had interviewed had looked over 25, Mr. Maher stated that he thought the boy looked on the cusp of 18 or

younger and that he had travelled from outside the Crookes area to visit the shop.

- 4.11 Julie Hague stated that during the 11 years of her dealing with cases of this nature, it is the first time she has known children to have been harmed. She further stated that she had visited these premises on a number of occasions during the past two years, following information received from drugs workers in the City who stated that the legal highs could be obtained from the premises. Julie Hague stated that despite repeated advice and training offers, all of which had been declined, Mr. Vangol had failed to operate in a safe, responsible and compliant way.
- 4.12 Julie Hague informed the Sub-Committee that a significant amount of resources had been spent outlining the risks of dangerous substances such as alcohol and legal highs. She stated that, following training where the risks had been pointed out, some businesses had stopped selling legal highs altogether. She added that the licence holder had always maintained that he did not sell dangerous substances to children.
- 4.13 Julie Hague stated that following a visit to the shop in February, 2015, 20 bags of legal highs had been found in the pockets of the licence holder and had subsequently been removed from the premises.
- 4.14 Julie Hague further stated that, following the report of a serious incident in which a young person had been hospitalised, she attended the premises on 20<sup>th</sup> August, 2015 along with PC Young and John Maher to inspect the CCTV and age verification system. During such visit she observed there was inadequate age verification signage and no staff training records.
- 4.15 Julie Hague went on to say that on 19<sup>th</sup> October, 2015 she and Mr. Maher attended a meeting with the child who had been involved in the two incidents of underage sales. She said that the child confirmed that he had purchased the alcohol on both occasions and that whilst he had been asked his age, he had not been pressed into providing ID and that it was not difficult to purchase alcohol. Julie Hague then referred to another incident which had been reported to the Police whereby two boys aged 14 and 15 had purchased alcohol to the value of £50 from HK Off Licence. They had taken the alcohol to a party where fighting had broken out and the Police and an ambulance were called. Both boys were hospitalised after consuming alcohol.
- 4.16 Finally, Julie Hague stated that since 2011 there has been a number of owners and the premises has acquired a reputation for underage sales and that the transfer of the business would be unlikely to make a difference.
- 4.17 Cheryl Topham stated that on 16<sup>th</sup> February, 2015, she had visited the premises following intelligence received regarding the sale of legal highs. 20 packets of the substance were concealed by the owner and these were seized along with four bottles of gin with counterfeit labels suspected of being non-duty paid on them. Cheryl Topham further stated that, although there were other similar shops in the area, children were known to pass them with the knowledge that they would be able to buy whatever they wanted at HK Off Licence.

- 4.18 Cheryl Topham referred to the incident at a party on 20<sup>th</sup> November, 2015 when two children had been hospitalised due to drinking alcohol which she learned at a later date, had been purchased from HK Off Licence. Cheryl Topham stated that on 9<sup>th</sup> December, she visited the premises for the sole purpose of viewing and downloading his CCTV footage from 20<sup>th</sup> November. Mr. Vangol told her that the equipment had been broken for approximately three weeks and did not have the footage from 20<sup>th</sup> November. Ms. Topham further stated that she informed Mr. Vangol that he was in breach of his licence conditions and that upon her return, if the equipment was not fixed, he would be served with a Section 19 closure notice. Ms. Topham said that on her return two days later, the CCTV was fixed but feels that if Mr. Vangol had not been made aware of the Section 19 notice, he would not have got the equipment mended.
- 4.19 In response to questions from members of the Sub-Committee, Cheryl Topham said that she believed four children had put money together to buy £50 worth of alcohol to take to the party which had resulted in two of the children being hospitalised and that it was rare for parents to contact the police when their children have been involved with alcohol or drug use.
- 4.20 In response to questions from members of the Sub-Committee, Mr. Vangol stated that he runs the business single-handed and has no time to attend any training offered, but is aware of all the issues surrounding underage sales of alcohol and the dangers of legal highs. Mr. Vangol referred to the CCTV footage on 9<sup>th</sup> August and stated that quite clearly Members could see that he asked the boy for his I.D. several times and then asked for his date of birth, which he checked using a calculator. Mr. Vangol then admitted that he had made a mistake in serving the child and not insisting on proper I.D., but he produced the refusals book from the premises which showed he does record attempted underage sales. Mr. Vangol then suggested that some children had obtained alcohol from his premises by proxy, i.e. asking an adult to buy alcohol on their behalf. Mr. Vangol informed the Sub-Committee that, since the incident in February when he had been found to have 20 bags of legal highs hidden in his clothing, he no longer sold them. Mr. Vangol also stated that he was aware that the shop had a reputation of selling alcohol to children, but he was trying to change that reputation in order to sell the business.
- 4.21 Mr. Vangol said that he had carried on selling the legal highs after he had been made aware of their dangers, because he would have been out of pocket had he destroyed them. He also added that had had purchased alcohol from other outlets when there had been offers available. Mr. Vangol summed up by saying that he was not a bad person and that he had made a couple of mistakes and was hoping that the Sub-Committee would give him a chance.
- 4.22 David Palmer, Julie Hague and Cheryl Topham summarised their cases.
- 4.23 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.

- 4.24 Paul Barber reported orally, giving legal advice on various aspects of the application.
- 4.25 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.26 RESOLVED: That, in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, the Sub-Committee agrees to revoke the Premises Licences in respect of the premises known as HK Off Licence and Mini Market, 66 Crookes, Sheffield S10 1UG for the following reasons:-
- (a) the nature of the breaches of the licensing objectives, conditions and criminal law were deliberate, the lack of training and poor management of CCTV system; and
  - (b) the owner had failed to demonstrate due diligence for the protection of children from harm and the prevention of crime and disorder and public safety under the Licensing Act 2003.

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