

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 21 March 2017

PRESENT: Councillors David Barker (Chair), Jack Clarkson and Bob Pullin

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence 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. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - S1 FOOD BAR AND OFF LICENCE, 12 FITZALAN SQUARE, SHEFFIELD S1 2AZ

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police under Section 51 of the Licensing Act 2003, for a review of a Premises Licence in respect of S1 Food Bar and Off Licence, 12 Fitzalan Square, Sheffield S1 2AZ (Case No. 30/17).

4.2 Present at the meeting were Azhar Hussain (Premises Licence Holder) (PLH), Sohail Ashraf (friend and interpreter for the PLH), Magdalena Boo (Health Improvement Principal), Julie Hague (Sheffield Safeguarding Children Board (SSCB)), Inspector Neil Mutch (South Yorkshire Police (SYP)), Andrea Marsden (SYP Licensing Enforcement Officer), John Whitaker (Solicitor for the Applicant) and Sergeant Scott Szymczak (SYP), David Palmer (Senior Trading Standards Officer), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Professional Officer, Legal Services) and Jennie Skiba (Democratic Services).

4.3 Samantha Bond 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, the Sheffield Safeguarding Children Board and the Director of Public Health, and were attached at Appendix 'B' to the report.

4.5 John Whitaker stated that over the past few years, the premises had been associated with crime and disorder. On 21st February, 2017, following intelligence received with regard to suspected drug dealing at the premises, South Yorkshire

Police entered the premises with a search warrant and a full search of the premises took place with the assistance of a drugs dog and handler. Drugs paraphernalia, "dealer scales", remnants of cannabis bushes and packets of illegal tobacco were found inside the premises and in the upstairs room there was a mattress and duvet, which looked as though it had recently been slept in. A male member of staff was arrested on suspicion of being in possession of crack cocaine. Of major concern to the officers, was the presence of a 15 year old child who had arrived into the UK alone from Afghanistan and was currently living with foster parents. There was no evidence of any refusals or incidents logs, nor access to CCTV. It would appear that the premises had been operating for the past nine months without a Designated Premises Supervisor (DPS).

- 4.6 Inspector Neil Mutch stated that a significant increase in anti-social behaviour incidents such as begging/vagrancy, street drinking and drug dealing in the Fitzalan Square area had been reported during the past 12 months, making the area one of considerable concern, and as a result of this, the use of dispersal powers under Section 35 of the Crime and Policing Act 2014 had been deployed during the day to disrupt anti-social behaviour in that area during the summer months, as well as a number of other operations being conducted with a view to dispersing persons likely to commit crime in that vicinity. He added that the premises was close to student accommodation and very often students and young people were the victims of crime. Inspector Mutch further stated that he and his team had tried on numerous occasions to work with the owner with regard to upholding the conditions of the licence, but felt that any reasonable dialogue had long passed.
- 4.7 John Whitaker then referred to the statement which was attached to the report from PCSO Alison Thomas which highlighted many issues around young vulnerable girls in and around the premises. The report highlighted intimidation experienced by legitimate service users passing through Fitzalan Square and the lengths that some students who live in the area go to, specifically to avoid the area.
- 4.8 Andrea Marsden stated that on 20th December, 2016, she had visited the premises with other officers to discuss reported incidents of underage sales of alcohol and cigarettes from the shop. They had spoken to the Premises Licence Holder (PLH) and a member of staff who were both very evasive and unco-operative regarding the whereabouts of the Designated Premises Supervisor (DPS). When asked for the refusals log or incidents log, neither member of staff could find them, nor were they able to operate the CCTV as they were unaware of the pin number and the PLH was subsequently informed that he was in breach of the licence conditions. Andrea Marsden also stated that on a follow-up visit to the premises, the PLH was again unable to provide the incidents log and refusals log, stating that there were too many refusals to be able to write them all down.
- 4.9 Julie Hague stated that she had visited the premises on a number of occasions with regard to safeguarding issues. She reiterated what Andrea Marsden had already stated regarding the visit made on 20th December, following a call she had received stating that cannabis was being sold from under the counter to children. She also confirmed that the staff were evasive and uncomfortable in their

presence. Julie Hague also stated that when she had visited the premises in the past, the PLH had been present every time and she could recall that he had attended safeguarding training but it had been some years ago. The following day, she sent a bundle of safeguarding materials including age verification posters, refusals log, risk assessment log together with an invite for the management to attend a refresher training course on 15th February, 2017, but this had not been taken up. Ms. Hague added that she had received an email from South Yorkshire Police regarding two mattresses that had been found in the basement of the premises and she explained that part of her training with regard to safeguarding children was to spot the signals surrounding child exploitation.

- 4.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee, it was stated that drugs paraphernalia had been found hidden in large food tubs and photographs were produced to substantiate this. It was believed that the 15 year old child behind the counter at the premises was not in the care of social services and that he had no mental health issues. The student accommodation directly above the premises was privately-owned and there were about 100 students living there. It was felt by South Yorkshire Police that there had hardly been any attempt to comply with the licence conditions. Other businesses in the area respond immediately and report any incidents of anti-social behaviour.
- 4.11 Magdalena Boo referred to the letter submitted by Greg Fell, Director of Public Health and asked that the contents of that letter be taken into consideration.
- 4.12 RESOLVED: That the public and press 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 7 of Schedule 12A to the Local Government Act 1972.
- 4.13 The Sub-Committee considered the statement circulated and the comments made by David Palmer, Senior Trading Standards Officer.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press.
- 4.15 Sohail Ashraf spoke on behalf of Azhar Hussain, the PLH, stating that he is a Dutch national and speaks very little English. He said that Mr. Hussain had been taken ill in 2010 and was reliant upon the staff he employed to run the business for him. He added that due to his illness, Mr. Hussain had been in Pakistan for the nine month period leading up to March, 2016 and on his return, he had had to close the shop due to unpaid bills. However, since the shop had reopened, he worked there every day. He stated that he and Mr. Hussain were shocked at the allegations made and produced his safeguarding certificate and also three letters from South Yorkshire Police stating that the premises had passed test purchases.
- 4.16 In response to questions from the Solicitor for South Yorkshire Police and from Members of, and the Solicitor to, the Sub-Committee, Azhar Hussain stated that sometimes he went down to the basement where the mattresses had been stored

to rest and was unaware that drugs were present on the premises. He added that the scales which had been found, were used in connection with the take-away food business for the weighing of spices used in cooking and that any smell of cannabis on the premises had wafted in through the door from those persons smoking outside. Mr. Hussain stated that he had a good working relationship with members of his staff, some of whom had worked for him for a long time. Mr. Hussain further stated that the illegal tobacco found on the premises belonged to staff members and was not sold to members of the public. He suggested that the people who congregated outside his premises were in fact waiting to go into the bookmakers shop next door. As regards the Challenge 25 scheme, Mr. Hussain stated that he knew enough English to ask for I.D. and that warning stickers were placed in and around the premises. He further stated that he had kept all the refusals and incidents logs in the past, but these had been lost.

- 4.17 John Whitaker and Azhar Hussain summarised their cases.
- 4.18 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.19 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.
- 4.20 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.21 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.22 RESOLVED: That in the light of the information contained in the report now submitted, and the representations now made, the Sub-Committee agrees to revoke the Premises Licence in respect of the premises known as S1 Food Bar and Off Licence, 12 Fitzalan Square, Sheffield S1 2AZ (Case No.30/17).

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