

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 6 April 2017

PRESENT: Councillors Alan Law (Chair), Kieran Harpham and Josie Paszek

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Jack Clarkson 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 - OBJECTION TO AN APPLICATION TO VARY A PREMISES LICENCE

- 4.1 The Chief Licensing Officer submitted a report to consider an objection to an application to vary a Premises Licence under Section 37 of the Licensing Act 2003 (Case No. 43/17).
- 4.2 Present at the meeting were the Premises Licence Holder/Applicant, accompanied by a friend, Andrea Marsden and Cheryl Topham (South Yorkshire Police, Objectors), Clive Stephenson (Licensing Strategy and Policy 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 an objection to the application to vary the Premises Licence, to specify an individual as the Designated Premises Supervisor, had been received from South Yorkshire Police, and was attached at Appendix 'C' to the report.
- 4.5 Andrea Marsden and Cheryl Topham made representations on behalf of South Yorkshire Police, stating that the applicant had been convicted of an offence of battery in 2016, and referring to three previous incidents, relating to anti-social behaviour, and which had resulted in her receiving Fixed Penalty Notices. They

stated that the police's objection related to Section 5 of the Rehabilitation of Offenders Act. Details of the offence, resulting in the conviction, were reported at the meeting, and it was the police's view that the applicant was not a fit and proper person to hold a Premises Licence, and become a Designated Premises Supervisor. Ms Marsden and Ms Topham also responded to a number of questions raised by Members of the Sub-Committee and Clive Stephenson.

- 4.6 The applicant reported on the application, referring to her conviction for battery, which occurred in February 2016, as well as the other incidents, and stating that since the offence, she had not been in any further trouble. She stressed that she did not consider herself to be a danger to her customers, or the general public, and referred to the community work she had been involved in when in the position of Designated Premises Supervisor at a former public house. The applicant also responded to a number of questions raised by Members of the Sub-Committee, the police representatives and Clive Stephenson.
- 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 contents of the report now submitted, together with the representations now made, including the responses provided to the questions raised, the application to vary the Premises Licence to specify an individual as the Designated Premises Supervisor in respect of the premises now mentioned, be granted (Case No. 43/17).

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