

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 May 2018

PRESENT: Councillors David Barker (Chair), Adam Hurst and Neale Gibson

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Jack Clarkson.

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 - MINT LOUNGE, 42/46 LONDON ROAD, SHEFFIELD, S2 4LR

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a premises licence made under Section 17 of the Licensing Act, 2003, in respect of premises known as Mint Lounge, 42-46 London Road, Sheffield S2 4LR (Ref. No.53/18).

4.2 Present at the meeting were Sean Gibbons (Environmental Health Officer), Georgina Holli, (Licensing Enforcement and Technical Officer (on behalf of the Licensing Service)), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (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 the Council's Director of Public Health, the Environmental Health Service, Sheffield Safeguarding Children Board, the Licensing Service, and South Yorkshire Police, and were attached at Appendix "B" to the report.

4.5 The applicant, who had been invited, did not attend the hearing, and the Sub-Committee agreed to consider the application in her absence.

4.6 Sean Gibbons reported that the screening of indoor activities had been withdrawn from the application by the applicant.

- 4.7 Sean Gibbons stated that the premises were previously operated as a shisha bar and the operators had been prosecuted twice and were facing a further prosecution for allowing smoking to take place inside the premises. He further stated that following enforcement visits carried out in January and March, 2018, he had very little confidence that the management had any intention of complying with the law, and believed that they had a total disregard for the smoke free law. He understood that the first prosecution under the Health Act 2006 had involved the previous operator who he believed was a relative of the current owner. Fines were imposed on the previous and current owners, but to date no payments had been received.
- 4.8 In response to questions from Members of the Sub-Committee, Sean Gibbons stated that recently, he had been unable to make contact with the owner but has, in the past, tried to engage and guide them in the right direction and had exhausted attempts to get them to comply with the licensing objectives, but the owner was not interested at all. Sean Gibbons stated that his Service had received complaints from other shisha operators in the city and also from Julie Hague of the Sheffield Safeguarding Children Board regarding the operation of the premises in the past. He stated that he and members of the Responsible Authorities had visited the premises and witnessed breaches of the conditions on numerous occasions. He further stated that it was unusual for a single premise to be prosecuted three times. Sean Gibbons added that the law states that any "lit" product within premises is an offence.
- 4.9 Georgina Hollis stated that she had visited the premises several times and witnessed a very dark, smoky atmosphere in all the rooms, with nowhere to escape from it. She further stated that the premises were not compliant with the smoke free legislation which had been introduced and anticipated that the owner would continue to break the law in the future due to her blatant disregard of the law. Georgina Hollis made reference to the fact that this type of operation that allowed the smoking of tobacco and/or shisha does not accord with the policy of the City Council.
- 4.10 In response to questions from Members of the Sub-Committee, Georgina Hollis stated that the operating schedule of the previous licence was for the provision of late night refreshments and the age verification scheme should be operated, however the licence holder had failed to recognise the scheme and was in breach of the licence conditions requiring the Challenge 21 scheme to be in operation at all times, but the licence had lapsed due to insolvency. She further stated that concerns had been raised during consideration of the first application for a premises licence regarding parking in the area and she commented that illegal parking would seem to be still an issue.
- 4.11 Julie Hague had submitted her apologies as she was unable to attend the meeting, however she had circulated in advance a statement and asked that this be taken into consideration. Sean Gibbons and Georgina Hollis made reference to this statement and outlined the reasons for objection to the application. Julie Hague had reported that the Sheffield Safeguarding Children Board felt that, if the application was granted, the premises would continue to operate illegally as an adult café style lounge where shisha was consumed and that unaccompanied

children and young people would continue to gain access and were at risk of harm. Ms. Hague made reference to the previous prosecutions and in order to investigate the complaints made, she had visited the premises on a number of occasions as part of a multi-agency visit and on each occasion had witnessed breaches of smoking legislation and the lack of evidence of an age verification scheme i.e. there being no refusals log or staff training records available for inspection. Ms. Hague added that the premises were located in the London Road area of the city which was an area popular with young people and easily reached by public transport. She stated that the venue was reputed to attract young people, some of whom travelled from other cities. Ms. Hague felt that due to the history of the premises and the lack of responsible governance, non-compliance and risk would continue to occur at the premises.

- 4.12 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.13 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.
- 4.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.16 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 application for a premises licence at Mint Lounge, 42-46 London Road, Sheffield S2 4LR, be refused (Ref. No.53/18).

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

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