

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 30 August 2013

PRESENT: Councillors Clive Skelton (Deputy Chair), Nikki Bond and George Lindars-Hammond

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from the Chair (Councillor John Robson).

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 - TERMINUS TAVERN, 150A MAIN ROAD, SHEFFIELD, S9 5HQ

4.1 The Chief Licensing Officer submitted a report to consider objections in relation to an application for a Temporary Event Notice, under Section 104(2) of the Licensing Act 2003, in respect of the premises known as Terminus Tavern, 150a Main Road, Sheffield, S9 5HQ.

4.2 Present at the meeting were Tansy Bagshaw (Designated Premises Supervisor, Terminus Tavern), Tony Stubbs (in support of the Designated Premises Supervisor), Benita Mumby (South Yorkshire Police, Objector), Matt Proctor (Senior Licensing Officer), Carolyn Forster (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Carolyn Forster outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that an objection to the Temporary Event Notice had been submitted by South Yorkshire Police on 21st August 2013, and was attached at Appendix 'B' to the report.

4.5 Benita Mumby stated that the Police's objections were based on the protection of children from harm, with concerns being raised in connection with the children being allowed on the premises when arriving back from the day trip, and to remain on the premises late at night. Ms Mumby referred to the current conditions of the Premises

Licence, relating specifically to the requirement for all children to be off the premises by 17:00 hours and stated that the Police, as well as the Sheffield Safeguarding Children Board, did not believe that there had been sufficient evidence to show that this condition was being complied with following the condition being placed on the Premises Licence at a meeting of this Sub-Committee held on 2nd July 2013. She referred to events at the premises on 26th August 2013, when, after viewing the premises' CCTV, she had witnessed children on the premises, one in the bar area and one in the beer garden, between 17:00 and 17:43 hours. Whilst Ms Mumby accepted that, to some extent, Ms Bagshaw had genuinely not been aware of the time and had made efforts to request that the children were removed from the premises, she had witnessed parents with children being served at 16:55 hours, which would clearly not have left sufficient time for them to finish their drinks and take their children home by 17:00 hours. On two other occasions, since the condition had been placed on the Premises Licence, children had been seen on the premises, at 18:00 and 19:00 hours. In the light of these incidents, the Police were not confident that Ms Bagshaw was able to remove children from the premises by 17:00 hours

4.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Ms Mumby stated that other licensed premises had conditions attached to their Premises Licences, requiring that there should be no children on the premises by a designated time. In terms of the Police's and the Sheffield Safeguarding Children Board's concerns regarding the unsuitability for children to be on the premises after 17:00 hours, reference was made to reports of drug abuse, the use of abusive language and the violent incidents which had occurred at the premises. Having a designated children's area would help to prevent the children from being exposed to any of these situations, but such an area had not yet been created. The incidents of children being witnessed at the premises occurred on 30th July 2013, when a child was seen walking out of the front door, and on 2nd August 2013, when two children had been witnessed in the beer garden. Further checks of the CCTV showed that children had also been seen in the bar area on 2nd August 2013. The revised Premises Licence, following the meeting of this Sub-Committee on 2nd July 2013, had become effective on 28th July 2013. Whilst it was accepted that there could have been issues in terms of staff training, the fact that there had been two breaches to the condition within days of the revised Premises Licence becoming effective gave the Police particular cause for concern.

4.7 Tansy Bagshaw referred to the incident where a child had been seen in the bar area in the premises on 2nd August 2013, indicating that the child had been told that they could use the toilet. She accepted that whilst the conditions of the Premises Licence had clearly been breached, it had not been done with any intention and she had tried to ensure that all children were off the premises by 17:00 hours. In

terms of the Temporary Event Notice, Ms Bagshaw stated that she had originally intended to request that children be allowed on the premises up to 22:00 hours, but had been advised to state 00:00 hours to cover any eventualities.

- 4.8 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Ms Bagshaw elaborated on the incident at the premises on 27th August 2013, when PC Gillian Parker and Benita Mumby visited the premises, indicating that, after implementing a number of measures as requested by Steve Pitts, Environmental Health, she believed that children were allowed in the beer garden. Mr Pitts subsequently informed PC Parker, during a telephone conversation, that this was not the case, and that he had made it clear to Ms Bagshaw, during his visit, that this was the case. Ms Bagshaw stated that with further staff training, herself and other members of staff would be capable of adhering to the condition on the Premises Licence. In terms of the event at the premises on 26th August 2013, Ms Bagshaw stated that she had organised a charity event and that due to the level of activity at the premises, she had 'lost track' of the time. After realising what time it was, she and other members of staff made an effort to ensure that all children were taken away from the premises. Regarding the Temporary Event Notice, Ms Bagshaw stated that it was the intention that on returning from the day out, expected to be around 20:00 hours, people would have one or two drinks and use the toilet facilities, then leave shortly after that. The age of the children going on the day trip varied, with the eldest being around 12 years old. All the children would be accompanied by parents or carers. The only entertainment to be provided on the return from the day trip would be music played on a portable CD player. In connection with the Police's concerns regarding the management's ability to ensure all children were off the premises by 17:00 hours, relating specifically to the events on 26th August 2013, Ms Bagshaw stated that she and other members of staff had reminded parents that their children needed to be off the premises by 17:00 hours. She stated that, as people were having a good time, as well as the level of activity at the premises, she lost track of the time, but when she realised, staff started clearing up the play equipment straight away, which included the bouncy castle being deflated at 17:10 hours. Ms Bagshaw stated that she would remind everyone of the need for all children to be off the premises by 21:00 hours, both prior to setting off on the day trip and just prior to arriving back at the premises. She stated that she had been advised by an officer of the Licensing Section to state 00:00 hours on the application just in case they arrived late back, and to ensure that any conditions were not breached.
- 4.9 In her summary, Ms Bagshaw stated that she would be happy to reduce the timing in respect of the application from 00:00 hours to 21:30 hours, and warn people that all children had to be off the premises by 21:00 hours in order to provide 30 minutes leeway.

- 4.10 RESOLVED: That the public and press and attendees involved in the hearing 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.
- 4.11 Carolyn Forster reported orally, giving legal advice on various aspects of the application.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.13 RESOLVED: That the Sub-Committee agrees to acknowledge the Temporary Event Notice, allowing the event to go ahead on the proposed date, as per the application, subject to the following conditions:-
- (a) All children to be off the premises by 21:30 hours; and
 - (b) There shall be no regulated entertainment on return to the premises.

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