

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 30 May 2017

PRESENT: Councillors David Barker (Chair), Josie Paszek and Andy Bainbridge

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Kieran Harpham attended the meeting as a Member, but was not required to stay.

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, DARNALL, SHEFFIELD, S9 5HQ

- 4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 53 of the Licensing Act 2003, for a summary review of the Premises Licence in respect of the premises known as Terminus Tavern, 150a Main Road, Darnall, Sheffield, S9 5HQ.
- 4.2 Present at the meeting were Patrick Robson (John Gaunt & Partners, Solicitors for the Premises), Tansy Bagshaw (Premises Licence Holder, Terminus Tavern), Kelly Stubbs (Staff Member, Terminus Tavern), John O'Malley (South Yorkshire Police, Applicants), James Ketteringham (South Yorkshire Police Legal Services), 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, referring specifically to the application made by South Yorkshire Police, for a summary review of the Premises Licence, which had initially been considered by the Sub-Committee, at an informal meeting held on 4th May 2017, and to the meeting of the Sub-Committee held on 9th May 2017, to consider representations by the Premises Licence Holder against the interim steps imposed by the

Sub-Committee on 4th May.

- 4.5 James Ketteringham, on behalf of South Yorkshire Police, referred to the witness statement of Cheryl Topham, which set out details of a number of incidents of crime and disorder at the premises, and focusing specifically on the most recent incident, on 30th April 2017, where two people had been seriously assaulted, one inside the premises and one just outside. Mr Ketteringham stated that, in the light of the number, and nature of, the incidents at the premises, which he believed had been mainly as a result of poor management, there were likely to be further incidents in the future. Focusing on the incident on 30th April 2017, Mr Ketteringham stated that the poor management procedures, both during and after the incident, included the lack of adequate security, the lack of calls to the emergency services, the reliance on customers to administer first aid at the scene and the lack of ability to download images from the CCTV system. In addition to this, on 1st May 2017, when police officers visited the premises, there were no management staff present, and the staff member present was not able to operate the CCTV system. Mr Ketteringham stated that, in the light of the record of incidents of crime and disorder at the premises, and the likelihood of further incidents occurring in the future, he did not believe that adding further conditions to the Premises Licence would stop the risk of further serious incidents occurring at the premises in the future.
- 4.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Ketteringham stated that the risk in terms of potential serious incidents occurring at the premises in the future had been evaluated by the police, based on the information set out in Cheryl Topham's witness statement. It was very difficult to determine whether such incidents had occurred due to the nature of the area or the management of the premises, particularly in the light of the fact that on the night of the serious incident on 30th April 2017, customers in the pub had come from a number of different areas in the City. Mr Ketteringham stated that, if security at the premises was improved, particularly with regard to the use of registered door supervisors, and if there were suitable management measures in place, there was no reason why a community pub, such as the Terminus Tavern, could not safely operate in this area. However, the police were of the opinion that there were likely to be similar problems in the future if the present management remained at the premises. In terms of ongoing communication, it was stated that it had been made clear to the management of the premises that police staff were available to offer advice in terms of ongoing security issues, and that the local policing team was monitoring the premises. Mr Ketteringham stated that he was not aware as to whether the police had met Darroll Palmer, the Designated Premises Supervisor (DPS) at the premises, and referred to the efforts made in terms of contact in this regard, in Cheryl Topham's witness statement.

- 4.7 Patrick Robson referred to the legal position in terms of the Sub-Committee's decision in connection with the application, stating that any proposed measures needed to be appropriate and necessary in terms of the promotion of the licensing objectives. He stated that the Terminus Tavern was the last community pub of its kind in Darnall, and that there were a number of flats above the pub, which were let out by the landlord of the premises. There were presently seven staff working at the premises, and the current Premises Licence Holder (PLH), Tansy Bagshaw, regularly organised charity and other fund-raising events at the pub, as well as there being pool and football teams operating from the premises. The pub was a popular meeting place for friends and families, and although there were other licensed premises in the area, this was the last community pub of its kind. Mr Robson made reference to the information and evidence circulated prior to the meeting, specifically the letters and petitions supporting the continued operation of the pub. In terms of the number of incidents at the pub, as detailed in Cheryl Topham's witness statement, he pointed out that there had been three in 2015, three in 2016 and two, to date, in 2017 which, contradictory to comments made by Ms Topham, did not represent an increase over the last few years. Mr Robson also referred to an application to review the Premises Licence of another pub in the City, the Three Feathers, indicating that, in the same period, there had been eleven serious incidents, and that the Sub-Committee had not been minded to revoke that Licence. Reference was made to the last review of the premises, by the Sub-Committee, in November 2014, following which the Sub-Committee determined that no under 18s be allowed on the premises, and which condition had been fully adhered to by the PLH. Mr Robson also referred to comments made during that hearing, where a police licensing officer stated that the number of serious incidents at the premises was not uncommon for a pub of this type.
- 4.8 Mr Robson referred to each of the incidents as detailed in Ms Topham's witness statement, and which required police to attend the premises, which occurred on 23rd December and 31st December 2014, 24th January, 25th May and 31st October 2015, 27th January, 23rd and 24th April 2016, and 22nd and 30th April 2017. He stated that, despite police intervention, there was very little evidence, as shown on the police's ProCad records, of any serious crime or disorder which had occurred inside the premises and/or was the fault of the management of the premises. Many of the incidents had occurred outside, or near the premises, and that on most occasions, the management took action, where possible, to deal with the issues and/or prevent further trouble. In terms of the incident on 30th April 2017, where two people were seriously assaulted, Mr Robson believed that no action by the management could have prevented the assaults from occurring, and provided proof to show that it was a member of staff who rang the emergency services that night. He stressed that the staff on duty assisted the people who had been assaulted, with a number of customers, one a qualified nurse, also assisting without being

requested. Both the assailants in terms of the assaults were not customers, and were not known to staff at the pub. It was also believed that the assaults were connected to an ongoing family feud, thereby outside the control of the management, and which could have occurred anywhere. Mr Robson stressed that the premises management had not caused, escalated or contributed to the assaults on this day and, due to the nature and location of the incidents, it was very unlikely that having door staff on duty at the time would have stopped the assaults. Mr Robson concluded by referring to the list of suggested, additional/amended conditions, which the PLH was willing to have added to the Premises Licence.

- 4.9 In response to questions from Members of the Sub-Committee and James Ketteringham, it was stated that, with regard to one of the more serious incidents at the premises, on 22nd April 2017, despite there being evidence of a fight, the police officers who attended were not able to find any evidence of any weapons used, nor gain any further information as no-one appeared to want to talk to them about the incident. In terms of the serious incident on 30th April 2017, Mr Robson stated that the management would not have been able to stop either assault, and that how they reacted after the incidents was the most important factor. Consideration would be given to hiring door supervisors for other special events held at the pub, other than pre-booked events. In terms of the management of the premises, Tansey Bagshaw was the PLH and who, due to the Designated Premises Supervisor (DPS) not being on the premises as much as he would like to, was generally in charge. Ms Bagshaw was assisted in the day to day running of the pub by her business partner, Kelly Stubbs. The majority of customers visited the pub during the day, or early evening, and Ms Bagshaw would often close early if there was not many people in. Private parties were held at the pub every now and then, but Ms Bagshaw had decided not to hold 18th or 21st birthday parties as it created too many problems for staff in terms of checking young peoples' ID, as well as there being an increased likelihood of alcohol-related issues. Mr Robson stated that the management followed the Violent Incident Protocol on those occasions where there had been such incidents, and staff would always consider customer safety important and would always preserve any crime scenes if required. There was no set procedure in terms of staff training, with most training being done internally, on an as and when required basis. Ms Bagshaw had been the PLH at the premises since November 2013, and her and Ms Stubbs described the approximate size of the premises, based on the size of the Committee Room hosting this meeting. Ms Bagshaw confirmed that the premises operated as a community pub, mainly comprising regular customers, that it was the last pub of its kind in the Darnall area and that management always paid special attention to people who came into the pub that they did not know. Ms Bagshaw stated that she was previously a Personal Licence Holder, but this Licence had been revoked by the Magistrates' Court, following issues connected with underage sales. Following a

number of questions relating specifically to the reported incidents at the premises, Ms Bagshaw stated that, in respect of the incident on 23rd December 2014, where a customer had called the police, reporting around 30/40 people fighting outside the premises, police officers had arrived at the premises, but had not witnessed any fighting, and that she had informed the police that there had been a scuffle, started by an unknown male, who left the premises. No persons had been banned from the pub following the incident on 31st December 2014, during which four men tried to gain entry to the pub after having been refused. Ms Bagshaw also confirmed that on that night, there were no door supervisors in attendance as staff considered themselves capable of dealing with any problems themselves. On 25th May 2015, one of the men hurt following two assaults had sought shelter in the pub, and had been assisted by staff and customers, with the other man who was assaulted not requiring any help. Ms Bagshaw confirmed that a man had thrown a bar stool at a staff member in the pub on 27th January 2016, and that this man had been barred from the premises following a previous, similar incident. All the staff at the pub were aware of those customers who had been barred. With regard to the incident on 23rd April 2016, Ms Bagshaw stated that she was not aware of what had happened until the morning after, and confirmed there was no security on duty on that occasion. With regard to the incident on 22nd April 2016, Ms Bagshaw confirmed that there was no security on the premises that night, and that some people were banned from the pub following the incident. She stated that there was a possibility that having security present on this night could have helped stop, or stop the incident escalating. In terms of the statement made by Ms Bagshaw following the serious incident on 30th April 2017, Ms Bagshaw stated that, despite stating so in her statement, she could not recall asking a customer to call for an ambulance, and that staff handed cloths and towels to the customer who was assisting one of the men assaulted, and not a first aid kit, simply because this was what she had asked for. At least two members of staff had received first aid training, and Ms Bagshaw confirmed that they did not rely on customers to administer first aid and that, in this instance, the customer offered to help in her capacity as a nurse. It was accepted that the staff member on duty the day after the incident did not know how to download the CCTV images. Ms Bagshaw stated that there had only been one occasion that she could recall where a customer had tried to gain entry to the pub after having been barred, therefore she believed that action taken by management to bar customers was successful. Ms Bagshaw accepted the fact that as a result of the incidents at the premises, having security staff would help to either stop any further incidents or stop any incidents escalating to a serious nature. She stated, however, that if there had been security staff at the premises in the past, when the incidents had occurred, such staff would not necessarily have prevented the incidents from occurring. It was stated that when police officers visited the premises on 1st May 2017, Ms Bagshaw was not present, but that officers were assisted by Ms

Gaynor, who was not a Personal Licence Holder, and it was accepted that she was not able to access the CCTV on the basis that she had only started working there recently.

- 4.10 James Ketteringham and Patrick Robson summarised their cases.
- 4.11 Clive Stephenson reported on the options available to the Sub-Committee.
- 4.12 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.
- 4.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That, in the light of the information contained in the report now submitted and the information now circulated, and the representations now made, the Sub-Committee agrees to:-
- (a) lift the interim steps imposed at its informal meeting held on 4th May 2017, in respect of the premises known as Terminus Tavern, 150a Main Road, Darnall, Sheffield, S9 5HQ; and
 - (b) modify the conditions of the Premises Licence, by:-
 - (i) the replacement of Annexe 3, Condition 5, with the following:-

A colour CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times the premises are open. CCTV images will be stored for 28 days. Police will be given access to, and copies of, images for purposes in connection with the prevention of crime and disorder as long as such request is compliant with the principles of the Data Protection Act 1998.

Members of staff at the premises will be trained to be able to provide viewable copies of CCTV images. A minimum of one staff member will be on duty during opening hours that can operate the system, and provide viewable copies of CCTV images; and

- (ii) the addition of the following conditions:-
- (1) An SIA door supervisor will be deployed from the commencement of booked events, to remain for the duration of the event. They should wear their SIA badges at all times, and a record of door staff should be kept on the premises at all times. A written risk assessment will be undertaken for all pub-planned special events, and a decision on security staff will be made following this. The risk assessments will be kept on the premises at all times, and made available for inspection by officers;
 - (2) On Friday and Saturday nights and Bank Holiday Sundays, no new customers shall be permitted entry after 22:00 hours; and
 - (3) The Premises Licence Holder, Designated Premises Supervisor or other Personal Licence Holder will be present from 20:00 hours on any day, and from the commencement of all booked and pub-planned special events.

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