

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 10 August 2017

PRESENT: Councillors David Barker (Chair), Josie Paszek and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Cliff Woodcraft.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 The Chair stated that, although the report in Item 4 had not been made available to the public and press in the light of its contents, the public and press would be able to attend the meeting, but be excluded if discussion takes place on any matters where 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 - THE TANK, 53-55 ARUNDEL GATE, SHEFFIELD S1 2PN

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 The Tank Nightclub, 53-55 Arundel Gate, Sheffield, S1 2PN (Ref. No. 92/17).

4.2 Present at the meeting were Chris Grunert (John Gaunt, Solicitors, for The Tank), Kate Baxendale (Premise Licence Holder), Steve Baxendale (Manager), Richard Dyson (Security Manager) and Tony Hadley (Manager) (The Tank), Ian Armitage (South Yorkshire Police Licensing Officer), John Whittaker (South Yorkshire Police Legal Services), Louise Bate (Lawyer to the Sub-Committee), Clive Stephenson (Licensing Strategy and Policy Officer) and John Turner (Democratic Services).

4.3 Louise Bate 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 a meeting held on 18th July

2017.

- 4.5 John Whittaker, on behalf of South Yorkshire Police, referred to the incident which had taken place on 15th July 2017, indicating that the police had initially been concerned at the delay in the club's staff contacting them, in the light of the serious nature of the incident. The incident had involved two males being admitted to hospital after purchasing, and consuming, drugs in the premises. The police received a call from the management at around 05:15 hours, and visited the premises, and a search of the premises with drug dogs was consented to. Although the police considered the premises to be well-run and well-managed, with many security measures in place, including ID scanners, they informed the Premises Licence Holder that they wished the premises to be closed, and would be requesting a summary review of the Premises Licence. As part of the on-going discussions between the police and management of the premises, the management offered a number of conditions, which were set out in the papers circulated prior to the hearing. The police were satisfied with all the conditions, with the exception of Condition No. 10, referring to the use of a dog trained to detect illegal narcotics, in that they would like the club to deploy such a dog on 24 occasions per calendar year, as opposed to the 12 occasions suggested. Mr Whittaker accepted that this would result in additional costs for the club management, but considered it necessary in the light of the serious nature of the incident, as well as viewing it as an effective deterrent in terms of the future operation of the club. Mr Whittaker also made reference to an undercover operation made by the police at the premises on 5th August 2017, stressing that, with the exception of one or two minor issues, staff at the club had co-operated very well, and that it had been found that all relevant security measures were in place.
- 4.6 The Chair stated that, whilst being mindful that the Solicitor representing the premises had not seen this evidence prior to the hearing, the Chair was happy for the Sub-Committee to take the contents of the report as positive evidence of the management's co-operation, and that all security measures had been in place on that day.
- 4.7 In response to questions from Members of the Sub-Committee, and the Solicitor representing the premises, the police representatives indicated that, as far as they were aware, there had been no further incidents of a criminal nature at the club since the Sub-Committee meeting on 18th July 2017. It was also confirmed that the number of incidents at the club, given its size and popularity, was not out of proportion with other clubs in South Yorkshire, and that the police had been very pleased with the co-operation of the premises' management since the expedited review. Mr Whittaker stated that, although the police had not been able to obtain any CCTV evidence in terms of the incident on 15th July, 2017, they were satisfied that there

was an effective CCTV system in operation at the premises, but would continue to work with the management in terms of having access to the live streaming of CCTV images. Whilst the police were satisfied in terms of the security measures in operation at the premises, they considered that sniffer dogs were still the most effective way of stopping drugs being taken into, or being consumed on, the premises. They were also effective in that when people were aware that they may be subject to searches by the dogs, they were more likely not to try and take drugs into the premises. The use of sniffer dogs for this purpose was becoming more widespread across the country, with many larger clubs in the big cities deploying them. Sniffer dogs were also being more widely deployed at music festivals, which provided a bigger opportunity for drug dealers. It was not, however, always easy to hire a sniffer dog and handler on the basis that there were not many available, and they were also very expensive to hire. Mr Whittaker confirmed that prior to the incident on 15th July 2017, the management had not deployed any sniffer dogs at the premises. It was accepted that sniffer dogs were not always 100% effective, but they did act as an effective deterrent in that when people saw them in operation, they would often dump their drugs, and not take them into the club. The police representatives confirmed that all police staff had received full co-operation from staff at the club. It was confirmed that, whilst there had not been any arrests made in connection with the incident on 15th July 2017, investigations were still ongoing. It was also confirmed that only one of the males who were taken ill had purchased drugs in the club. The decision to request an expedited review, made by Superintendent Paul McCurry, had been made on the grounds that the incident on 15th July 2017, albeit only involving one man being taken ill following the consumption of drugs purchased in the club, had been deemed serious enough to request such a review. Further to questions regarding the witness statement of Police Inspector Matthew Collings, dated 25th July 2017, it was accepted that the incident referred to at the club on 5th February 2017, was not of a serious nature as it had been dealt with by way of Restorative Justice. It was also accepted that the incident on 11th February 2017, was unsubstantiated on the basis that there was no evidence of the incident on CCTV, and no independent witnesses. It was also accepted that there could be an issue with the wording relating to the incident on 4th March 2017, whereby the statement indicated that the incident had taken place at 22:00 hours, whereas the club did not open until 23:00 hours. It was confirmed that staff at the club had fully co-operated with the police in connection with the incidents at the club on 19th March and 8th April 2017, and that in general, all staff at the club had co-operated with the police and taken the relevant action following all these incidents.

- 4.8 Chris Grunert put forward the case on behalf of The Tank, indicating that the club's management, whilst fully accepting the serious nature of the incident on 15th July 2017, were very disappointed that proceedings had reached this stage. He stated that the club had

always been operated effectively and, in some cases, had gone over and above its responsibilities. Mr Grunert stated that, unfortunately, there would always be people trying to take drugs into licensed premises, but he believed that the club's management were doing more than enough to stop this happening at The Tank. In terms of customer searches, security staff adopted a 'pat down' policy with regard to all customers, and undertook further, more detailed searches of those customers who had been identified by sniffer dogs or had attracted the attention of door supervisors. It was accepted that some people had been, and would continue to be, able to take drugs into the club but, due to the vigilance of the door supervisors, who had all received relevant training, such incidents were rare, and compared similarly with other nightclubs of the same size. Mr Grunert referred to the recent decision of the Sub-Committee, regarding The Foundry, indicating that the circumstances in that case were different, and that the Sub-Committee needed to be fair, reasonable and proportionate in terms of its decision at this hearing, based on the evidence provided. With regard to the suggested conditions, the club's management accepted the requirement for the use of sniffer dogs, and considered that the deployment of such dogs on 12 occasions per calendar year would be sufficient, and that the 24 occasions, as suggested by the police, was neither necessary or proportionate. The deployment of such dogs would not be used on a regular basis, but dependent on specific events held at the club. Mr Grunert referred to the CCTV system at the premises, indicating that it was a high specification system, comprising 33 cameras, together with a large monitor in the management's office. The cameras covered all the main trading areas, with staff regularly checking those areas not covered by the system. The club also operated an ID entry system, where all customers were required to provide an official form of ID, and any incidents involving customers, including drug-related incidents, would be logged against those individuals, with appropriate action being taken in each individual circumstance. If people were caught trying to take drugs into the club, they would be asked to put them in the drop box at the entrance and, depending on the amount of drugs involved, appropriate action would be taken, ranging from people being barred for life, or being made subject to more detailed scrutiny during further visits to the club. Mr Grunert made specific reference to the Level 2 Award in Drugs Awareness for Licensed Hospitality Staff, which had been attained by Mr Dyson and two other members of staff.

- 4.9 In response to questions from Members of the Sub-Committee and John Whittaker, Richard Dyson explained the security procedures in terms of admission to the club, indicating that all customers were subject to a 'pat down' and, on those occasions when a sniffer dog was deployed, if the dog showed an interest in anyone, or any of the door supervisors had seen anything, or had any suspicions, they would be subject to a more thorough search. During the interim stage, following the expedited review, a sniffer dog had been

deployed, to check for drugs in the premises and to check customers entering the club, all members of staff had been searched and approximately 90% of customers had been searched. In terms of going forward, it was proposed that approximately 80% of customers would be searched, along the lines already mentioned. The club would maintain a zero tolerance policy in terms of drugs, and had given consideration to liaising with the management of other licensed premises in connection with the possibility of shared use, and cost, of a sniffer dog on given nights. All the door supervisors were credited to the Security Industry Association (SIA), and were capable of detaining suspected drug dealers or other people if required, until the police arrived. The club was only open on Friday and Saturday nights, as well as other occasions, such as Bank Holidays, student fresher week, New Year's Eve and Boxing Day. As part of the club's search policy, customers would generally be patted down to their feet. It was accepted that there were issues in terms of searching females, often due to how they were dressed, but all females had their bags searched on entry.

- 4.10 John Whittaker and Chris Grunert summarised their cases.
- 4.11 Clive Stephenson reported on the options open to the Sub-Committee, as set out in the report.
- 4.12 RESOLVED: That the press and public 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 Louise Bate 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 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 18th July 2017, in respect of the premises known as The Tank, 53-55 Arundel Gate, Sheffield, S1 2PN (Ref. No. 92/17); and
 - (b) attach the following list of conditions to the Premises Licence, which are to supersede any corresponding and/or similar conditions on the original Licence:-
 - (i) When open to general members of the public, SIA door

supervisors will be deployed at the following minimum ratio of one per 100 customers, with a minimum of two door supervisors deployed at any time.

- (ii) When operating for a private or pre-booked event, who have exclusive use of the venue during the event, the use of SIA door supervisors will be in accordance with the management's assessment of risk.
- (iii) The premises will operate a challenge 25 policy on entry and an IDSCAN system whenever the premises are open to the public and operating.
- (iv) Customers seeking entry to the premises will be required to submit to an inspection of the property they are carrying into the premises and a physical pat-down search in accordance with the management's assessment of risk.
- (v) Enhanced searches, which shall include the removal and inspection of footwear and socks, shall be carried out on a dynamic risk assessed basis.
- (vi) An incident log shall be maintained at the premises, and retained for a period of three months. The premises will allow inspections of the log in accordance with the provisions of the Data Protection Act 1998.
- (vii) A drug box shall be installed at the site.
- (viii) All drugs confiscated shall be stored within the drug box and documented in a written log retained for a period of three months. The premises will allow inspection of the log in accordance with the provisions of the Data Protection Act 1998.
- (ix) The premises shall maintain, publish and promote a zero tolerance drugs policy. This policy is to be provided to the Licensing Authority, the police, and Sheffield Safeguarding Children Board. Thereafter, the premises will maintain a regular review of the policy and provide the most up to date copy of the zero tolerance drugs policy upon request to the Licensing Authority, the police and Sheffield Safeguarding Children Board.
- (x) Until 31st December 2018, a dog (suitably trained in the detection of illegal narcotics) along with a competent human handler, will be deployed at site on a minimum of 12 occasions per calendar year (pro rata). From 1st January 2019, this asset will be deployed in accordance with the management's assessment of risk.

- (A) In order to maintain the dog's welfare the animal operate for periods lasting approximately 45 minutes before taking an appropriate rest. The deployment is hereafter referred to as a 'shift';
 - (B) During the deployment, the dog will carry out a minimum of two shifts between 23:00hrs and 03:00hrs; and
 - (C) Details of the dog, their relevant qualifications and the handler's details shall be recorded and retained for a minimum of 12 months following deployment.
- (xi) Notices advising of random drug sniffer dog searches will be posted at site.
 - (xii) The zero tolerance and search signage will be amended to include details of the consequences of being caught in possession of drugs.
 - (xiii) All staff involved in entry point searches will wear high-vis vests identifying themselves as members of the search team.
 - (xiv) Members of the search team are to be deployed within the premises wearing high-vis vests identifying themselves as members of the search team.

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