

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 14 March 2019

**PRESENT:** Councillors Josie Paszek (Chair), Vickie Priestley and Mick Rooney

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#### **1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Andy Bainbridge.

#### **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, 2 and 7 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 - COCOON, 2 HOLLAND STREET, SHEFFIELD, S1 4LN**

4.1 The Chief Licensing Officer submitted a report to consider an application by South Yorkshire Police, under Section 53A of the Licensing Act 2003, for the summary review of the premises known as Cocoon, 2 Holland Street, Sheffield, S1 4LN (Ref No. 22/19).

4.2 Present at the meeting were Tan Tanwir (Designated Premises Supervisor) and Jessica Stewart (Manager), representing the premises; Emily Price (Solicitor), Ian Armitage (Licensing Officer) and John O'Malley (Licensing Manager), representing South Yorkshire Police; Magdalena Boo (Sheffield Public Health), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Legal Adviser 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 Jane Gough 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 been considered at an informal meeting held on 18<sup>th</sup> February 2019, and to the informal meeting held on 22<sup>nd</sup> February 2019, to consider representations made by the Designated Premises Supervisor against the interim steps imposed by the Sub-Committee on 18<sup>th</sup> February 2019. It was also noted that representations had been received from Sheffield Public Health, and were attached at Appendix 'E' to the report.

- 4.5 Emily Price, on behalf of South Yorkshire Police, stated that since the informal meeting held on 18<sup>th</sup> February 2019, at which the premises licence was suspended, the premises' management had worked very closely with the police, both in terms of physical and operational changes to the premises, in order to address the issues raised. Ms Price referred to the list of conditions suggested by the police, which were set out in the report, indicating that if implemented, and adhered to, the police would have no further objections to the lifting of the suspension. Ian Armitage confirmed that the police had discussed the suggested conditions with Mr Tanwir, in depth, and had made it very clear to him what was expected.
- 4.6 In response to questions from Members of the Sub-Committee, Marie-Claire Frankie explained that the suggested measures had not been in place when the premises first opened on the basis that there had been no requirement for them, and, in many cases, such as this, premises had to be reactive, following incidents such as those that had occurred at this premises. It was understood that the majority of the physical works required had nearly been completed, specifically the upgrading of the CCTV system, and which was due to be inspected by the police later this day. It was added that the police considered all the suggested conditions to be proportionate, and had been imposed on a number of licensed premises in the City Centre. The police believed that the suggested conditions would drive away the gang members or people involved in organised crime, away from the premises.
- 4.7 Magdalena Boo stated that the representations from Public Health had been made simply on the basis of promoting public safety within the City. She stated that Public Health had reviewed a number of industry-based practices, which had resulted in a number of suggested security measures, which were detailed in the report. Ms Boo accepted that Public Health did not have sufficient knowledge of the licensing trade, particularly with regard to the operation of a bar/nightclub, therefore was not able to confirm whether the measures suggested would be feasible from an operational point of view. She added that some of the measures would be subject to negotiation between the premises management and the police and the Local Authority. In response to a question, Ms Boo stated that Public Health's suggestion about using breathalysers was simply one measure which it believed would help reduce alcohol-related harm. She accepted that it may not be practical, or operationally enforceable, and would be up to the police and the Local Authority as to whether they deemed this a serious issue.
- 4.8 Mr Tanwir stated that he did not believe it would be practical to breathalyse everyone entering the premises, and that the security staff would monitor the condition of customers when entering, and refuse anyone who were too drunk. He added the premises rarely encountered any serious problems in this regard. Written records would be maintained in respect of all staff training, with all staff being provided with a copy of the training procedures. All staff were aware of the procedures when the premises opened and closed. On the basis that the premises only opened up to two times a week, there were rarely any problems in terms of a manager not being present due to sickness. There were three managers at the premises – Tan Tanwir, Mohammed Janghir and Jessica Stewart. Reference was made to the premises' policies, several of which had been reviewed and updated.

- 4.9 Tan Tanwir put the case on behalf of the premises, indicating that he had been involved in the licensed trade for around 30 years, and that this was the first time that he had encountered any serious problems with any of his premises. He stressed that he did not want anyone involved in crime attending the premises, to safeguard both his customers and the wider reputation of the premises. Jessica Stewart confirmed that most of the conditions suggested by the police either were, or were in the process of being put, in place. She circulated details of the knife arch/scanner which had been installed at the premises, which represented a high-specification security measure. She added that considerable work had been undertaken in terms of updating the premises' policies and procedures, the premises were now recruiting SIA-accredited security staff from a new company, and had agreed to a 100% search policy on all customers and bags and ID scanner use on all but private bookings where the public had no access.
- 4.10 In response to questions from Members of the Sub-Committee, it was stated that the management would ensure that all staff were clear as regards their roles and responsibilities, particularly during any incidents at the premises. With regard to the external smoking area, concerns about which had been raised at the previous, informal review meetings, it was reported that the scanner had been placed in such a position that anyone going to the external area would have to return back through the scanner to regain access to the premises. It was the premises' policy that all staff should co-operate with the police and responsible authorities, if and when required to do so. The new security team would be meeting with the police shortly to discuss their responsibilities. As part of the upgrade to the CCTV system, a high-definition camera would be positioned at the entrance to the premises, ensuring that images would be recorded of anyone entering the premises. In addition to customers having to pass through the knife arch/scanner, which would pick up any metal objects on their person, security staff would also undertake bag searches and pat searches. In terms of the premises' dress code, customers were not allowed any sportswear, including hoodies, and notices were displayed to this effect. The police were due to visit the premises following this meeting, to carry out an inspection of the CCTV system. Due to the level of engagement between the premises and the police's CCTV Inspector, it was not envisaged that there would be an issue with the system not being up to standard. In terms of the ID scanner at the entrance to the premises, the police required that images be kept for 31 days, similar to the CCTV images. The ID the premises would accept included a passport, driving licence and any other form set out on the Government's approved list.
- 4.11 All parties present summarised their cases, and as part of Tan Tanwir's summary, a couple of further issues were raised, relating to the requirement for 100% ID checks and the issue of glass bottles of champagne in the VIP area of the premises. Mr Tanwir requested that the premises should have discretion in terms of the ID checks with groups of customers, who are obviously over 25, and do not present as being problematic customers. He stated that, on occasions, such groups had tried to gain entry to the club, with some members of the groups not having the required ID, resulting in the whole group moving on elsewhere, and not returning, thereby having an adverse effect on his business. Ian Armitage referred to the Action Plan, agreed and signed by Mr Tanwir and the police, on 19<sup>th</sup>

December 2018, which required the use of an approved ID scanner for all events, including corporate bookings. The second issue was raised by Ian Armitage, and referred to the requirement for drinks in glass bottles to be decanted into polycarbonate drinking vessels – another issue which had been set out in the Action Plan. Mr Armitage referred specifically to the use of glass champagne bottles in the VIP area of the premises, indicating that as long as these tables were monitored by security staff, when champagne was being served, the police would have no objection to this.

- 4.12 Jayne Gough presented the options available to the Sub-Committee.
- 4.13 RESOLVED: That the public and press and attendees involved in the review 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 review 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 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 18<sup>th</sup> February 2019, in respect of the premises known as Cocoon, 2 Holland Street, Sheffield, S1 4LN (Ref No. 22/19); and
  - (b) modify the conditions of the premises licence by:-
    - (i) the replacement of Annex 2, Condition 12, with the following:-

A colour CCTV system to the specification and satisfaction of South Yorkshire Police will be fitted, maintained and in use at all times the premises are open. CCTV images will be stored for 31 days. Police will be given access to, and copies of, images for purposes in connection with the prevention of crime and disorder. CCTV footage shall be downloaded and made available to South Yorkshire Police and authorised officers of the Council on request. Members of the management team will be trained in the use of the system
    - (ii) the replacement of Annex 2, Condition 17, with the following:-
      - (A) All glass bottles to be decanted into polycarbonate drinking vessels, save for one glass bottle per table in the VIP area. The VIP area is to be monitored by a member of staff at all times;

and

- (B) Polycarbonate drinking vessels are to be used at the premises, save for patrons seated in the VIP area; and
- (iii) the addition of the following conditions:-
- (A) A knife arch is to be used at all times the premises is open, including private bookings. All customers entering and re-entering the premises must walk through it;
  - (B) All customers and bags will be searched;
  - (C) An ID scanner will be used at all times that the premises are open to the public. Images to be kept for 31 days, and shall be downloaded and made available to South Yorkshire Police and authorised officers of the Council on request;
  - (D) Policies must be in place for entry procedures, search procedures and drugs and toilet inspections;
  - (E) A refusal and incident log will be kept at the premises. Such log will record incidents of staff refusals of alcohol sales and any incidents which occur throughout the premises. A refusals log shall be kept for a minimum of six months, and will be made available immediately upon a reasonable request from South Yorkshire Police and any responsible authority;
  - (F) An SIA accredited security firm are to be used at all times the premises is open. South Yorkshire Police are to be notified of the firm used, and be informed of any changes;
  - (G) A booking form must be used for all private functions. The form must detail customers' name, address and date of birth, and ID must be seen and recorded. When a booking is made, the policies for entry, searches and ID scanning must be shared;
  - (H) A copy of the South Yorkshire Police Violent Incident Protocol is to be kept in the office and entrance kiosk; and
  - (I) All staff are to be trained on all policies, procedures and protocols in place at the premises. Staff will also be fully trained in all aspects of the licensing law, and relevant training on the current legislation, systems and procedures surrounding alcohol sales shall be provided to all staff in commencement of employment. Refresher training shall be provided at regular intervals, and signed records shall be kept for two years. Records shall be available for inspection, upon request, by South Yorkshire Police or an authorised officer of a responsible authority.

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