

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 16 March 2017

**PRESENT:** Councillors David Barker (Chair), Andy Bainbridge and George Lindars-Hammond

.....

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

1.1 No apologies for absence were received. Councillor Josie Paszek attended the meeting as a reserve 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 - THREE FEATHERS, BOWDEN WOOD CRESCENT, SHEFFIELD S9 4EE**

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 51 of the Licensing Act 2003, for a review of a Premises Licence in respect of premises known as Three Feathers, Bowden Crescent, Sheffield S9 4EE (Case No.35/17).

4.2 Present at the meeting were John Whittaker (South Yorkshire Police Legal Services), Cheryl Topham (South Yorkshire Police Licensing Officer), Steven Johal (Designated Premises Supervisor, Three Feathers), Thomas Whitham (Licensee, Three Feathers), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), Samantha Bond (Professional Officer, Legal Services) and Jennie Skiba (Democratic Services).

4.3 Samantha Bond 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 Sheffield Safeguarding Children Board and were attached at Appendix B to the report.

4.5 John Whittaker stated that Steven Johal had been the Designated Premises Supervisor at the premises since 2011 and up until March, 2016, there had been no recorded incidents of crime and disorder, only complaints regarding noise nuisance. However, from March, 2016 to January, 2017, 11 incidents had been reported to the police. The last recorded incident which took place on 12<sup>th</sup>

January, 2017, had been the catalyst for the review. John Whittaker added that the main concern of the police was that the majority of the incidents had happened when children were inside the premises attending private functions. He then referred to the conditions attached to the licence as outlined in the report.

- 4.6 Cheryl Topham stated that there had been a significant increase in incidents of fighting and assaults, including an armed assault since 2015 and more often than not, incidents had occurred on Friday or Saturday evenings after 10.00 p.m., not only inside the premises, but also in the car park when customers were still hanging around. Her main concern was that members of staff had seemed to be reluctant to contact the police and when the serious incident had occurred in January, it had been a member of the public who contacted the police, not someone employed at the premises. She added that the premises were generally very well managed and that the owner and staff had always been very helpful.
- 4.7 In response to questions from Members of the Sub-Committee, Cheryl Topham suggested that the CCTV equipment could be improved to the South Yorkshire Police specifications so that it covered the very large car park. She added that there was no evidence to suggest that it was the same people responsible for the increase in crime and disorder, but felt that there must be a reason for this sudden increase in anti-social behaviour.
- 4.8 Steven Johal stated that children were not allowed on the premises after 9.00 p.m. Mondays to Thursdays and after 10.00 p.m. on Fridays and Saturdays, except when private functions had been held. Following a visit from South Yorkshire Police in June, 2016, regarding the increase in reported incidents, especially when private parties had taken place, he had changed the way bookings were taken, stating that a £100 deposit was asked for, which would only be returned the day after the function and only when arranged in person. He went on to add that, after the visit by the police in June and at their suggestion, he kept an up-to-date incidents book available for inspection at any time. He then referred to the incident that had happened in January and stated that images had been captured on seven different cameras. He added that the victim had visited the premises two, maybe three times a week prior to the incident and there had never been any trouble, and that nothing could have been done to prevent it and that it could have happened anywhere at all. Mr. Johal stated that he and his staff dealt with any flashpoints themselves and he added that by diffusing matters was sometimes quicker than waiting for the police to arrive. He then circulated to Members written reviews and a petition from local residents in support of the premises.
- 4.9 Thomas Whitham stated that he had worked at the pub for the past five years and there had been very few incidents. If there had been any flashpoints, he or his staff had easily dealt with them, and felt that there would be no need for doormen. He further stated that the premises was a community style public house serving food and that any reduction in the hours when children were allowed onto the premises, would impact on the business.
- 4.10 In response to questions from Members of the Sub-Committee and the applicant, Steven Johal stated that with regard to the serious incident in January, his priority had been to get the other customers who were in the pub at the time, out of the

way and had about 60 seconds to respond to what was happening. He added that there had been issues with another pub in the area which closed an hour before the Three Feathers and customers had had a tendency to come to the premises late, so now the door was closed at 11.00 p.m. Mr. Johal accepted that the surrounding area was socially deprived, and that due to pub closures, there was always the potential for the “wrong” people to visit his premises, but he had grown up in the area and his family had another business across the road, so felt that he knew who the troublemakers were and how to deal with them, so there would never be a need to employ door staff. The staff were local and had worked at the premises for a number of years and he considered there was no need for further training on how to deal with anti-social behaviour, although he and the licensee were to attend a safeguarding training course in April.

- 4.11 Clive Stephenson informed the Sub-Committee that Julie Hague, Sheffield Safeguarding Children Board had submitted her apologies to the meeting, but he suggested the information she had submitted at Appendix “B” should be taken into account.
- 4.12 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.
- 4.13 Samantha Bond 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, the additional information now circulated and the representations now made, the Sub-Committee agrees to modify the conditions of the premises licence in respect of the premises known as the Three Feathers, Bowden Crescent, Sheffield S9 4EE, as follows:-
- (a) the existing condition number 6 be amended to read as follows:-
- “a CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open (spec. 2016). The CCTV images will be stored for 30 days. Police and authorised officers of the Council will be given access to images for purposes in connection with the prevention and detection of crime and disorder. Members of management will be trained in the use of the system.”;
- (b) all children are to be accompanied by a responsible adult and persons under the age of 18 are not permitted after 9.00 p.m. every day (including the outside area);

- (c) SIA Licensed Door Staff to be employed from 10.00 p.m. onwards, when there are any private parties booked, such staff to wear their SIA badge at all times and a record of door staff to be kept on the premises at all times;
- (d) an incident log to be kept on the premises to record any incidents whether the police are called or not, such log to be kept for at least six months and produced to the police or other authorities on request;
- (e) a booking form must be used for all events and private functions. The form must set out the booking conditions to the customer and include name, contact details and signature of the customer who is responsible for the booking. Such record to be retained for six months and made available for inspection by the police and other authorities;
- (f) the Designated Premises Supervisor, or other such responsible person, must act as the Safeguarding Co-ordinator at the premises. This person should act with reference to the guidance and training provided by the Safeguarding Children Board and has a responsibility to ensure that all staff are appropriately trained and know how to respond when a child protection issue arises;
- (g) the Safeguarding Co-ordinator must undertake and retain as a record, a written risk assessment in relation to safeguarding children and young people at the premises. The risk assessment must relate to all variety of activities/functions/ events at the premises;
- (h) on Fridays and Saturdays, no new customers shall be permitted entry after 11.00 pm.; and
- (i) the Designated Premises Supervisor or designated staff member must ensure that all patrons leave the external areas in a timely manner after the premises closes.

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