

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 9 August 2012

**PRESENT:** Councillors John Robson (Chair), Neale Gibson and Nikki Sharpe

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

2.1 No apologies for absence were received. Councillor Nikki Bond attended as reserve Member, and stayed and participated for the duration of the meeting.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 Inspector Simon Leake, South Yorkshire Police, made an application for certain parts of the hearing to be held in private.

2.2 **RESOLVED:** That the public and press be excluded from certain parts of the meeting, to be determined by the Chair, before discussion takes place on the particular elements of business to be considered, 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 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 on items to be considered.

#### **4. LICENSING ACT 2003 - PARSON CROSS HOTEL**

4.1 The Chief Licensing Officer submitted a report to consider an application for the review of a Premises Licence made under section 51 of the Licensing Act 2003, in respect of the premises known as the Parson Cross Hotel, Deerlands Avenue, Sheffield, S5 8AA.

4.2 Present at the meeting were Inspector Simon Leake (South Yorkshire Police), Sergeant Gayle Kirby (South Yorkshire Police), PC Chris Wilkinson (South Yorkshire Police), Lizzie Payne (South Yorkshire Police Licensing), Julie Hague (Licensing Project Manager, Safeguarding Children Board), Mohammed 'Tony' Shabere (Premises Licence Holder), Liaqat Sharif (Representative of Mr. Shabere), Michael Hunt (Assistant Manager, Parson Cross Hotel), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Gillian Capewell (Committee Secretary).

4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

4.4 The Licensing Officer presented the report to the Sub-Committee and it was noted

that the applicant for the review was South Yorkshire Police. The grounds for the review were based upon the following aspects of the 2003 Licensing Act objectives; prevention of crime and disorder, prevention of public nuisance, protection of children from harm and public safety. It was noted that the Licensing Authority had received representations from the Sheffield Safeguarding Children Board and the Premises Licence Holder.

- 4.5 Sergeant Kirby addressed the Sub-Committee, outlining the reasons why South Yorkshire Police had applied for this review. She detailed an extensive list of incidents and visits to the premises, which included reports of anti-social behaviour, drug taking, underage alcohol sales and fighting. It was noted that many of these incidents had been reported but 'no further action' had been taken, and therefore, no conclusive evidence could be drawn from them.
- 4.6 Inspector Leake commented that it was often the case that an incident of violence, for example, was reported at a premise, and then not concluded, as the person reporting the incident 'did not want to grass', as there could be repercussions for the individual. This happened on a regular basis across the City.
- 4.7 Sergeant Kirby conveyed a picture of the premises and the way in which it was operated. She reported that the premises were located in a socially deprived area of the City, and that alcohol-fuelled violence and football hooliganism was commonplace.
- 4.8 **RESOLVED:** That the public and press 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 Paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.9 Sergeant Kirby then showed Members CCTV footage of the public house at 1600 hours one recent weekday afternoon. The footage identified several under 16s and therefore was not appropriate to show in front of press and public.
- 4.10 The footage focussed upon the main access point to the premises (the front door), and showed youngsters moving pub furniture (i.e. chairs) in and out of the premises to sit on outside, as it was a sunny day. The clientele seemed to be mainly young people. There was also a child of about three years of age who was wandering in and out of the main door unsupervised throughout the footage.
- 4.11 The footage appeared to show the Designated Premises Supervisor (DPS), Naseem Akhtar, pass a green bottle (most like Carlsberg beer) to a young person at the bar, and take no money for the transaction. There was also a group of young people standing to the right hand side of the bar just off camera.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press.
- 4.13 Members asked Sergeant Kirby why her report had detailed incidents which had never been followed up or proven, to which she replied that the level of reported

incidents at the premises painted a picture of the type of venue it was. She stated that many of the people who regularly drank there were 'anti-police' and were unlikely to make statements

- 4.14 Sergeant Kirby added that the reason why incidents had been reported in the log which preceded Mr. Shabere's time as PLH was to indicate that there had been a pattern in place for many years, and that there had been no change in the types of incidents reported since he had taken over, and things had not improved.
- 4.15 Sergeant Kirby stated that South Yorkshire Police had an expectation that premises would work closely with them in order to identify any problems of anti-social behaviour, violence and drug-taking, and that many other licensed premises in the area did so very effectively. However, there was no proactive behaviour from the Parson Cross Hotel, and the Police were constantly having to instigate proceedings there.
- 4.16 Sergeant Kirby acknowledged that the Parson Cross Hotel had made a request for a Police drugs dog walk through of the pub, but that this request had been declined due to a lack of resources. Sergeant Kirby commented that a high level of Police staffing would be required for such an operation, due to the anti-Police nature of the pub's clientele, and that the time of year the request was made meant that a lot of staff were on annual leave.
- 4.17 Sergeant Kirby commented that she had never met Mr. Shabere before today's hearing, and that he did not seem to be very proactive on the running and management of the pub. These 'anti-police' regulars who had been alluded to earlier almost seemed to 'run the pub', and created a very tense 'aura' in the pub whenever the Police visited.
- 4.18 A photograph was also passed round and shown to Members which showed several young people sitting outside the pub on internal pub furniture, with Carlsberg bottles and empty pint glasses in front of them. It was clarified that several of the young people, and the young people in the CCTV footage, were known to the Police for various reasons.
- 4.19 It was noted that the pint glasses most likely had come from inside the pub, as the nearest pub was about half a mile away, and the Parson Cross Hotel was a fairly isolated estate pub.
- 4.20 Sergeant Kirby stated that the Parson Cross Hotel was a difficult pub to manage, with long-standing problems, which needed rectifying before the start of the football season in late August 2012.
- 4.21 Sergeant Kirby clarified that there had been no test purchase operations run at the pub recently, as the pub was deemed too dangerous at present for this kind of work; potentially putting the volunteer at risk. Sergeant Kirby added that the Police had requested sight of the pub's refusals log, but that this had not been produced on one specific occasion.
- 4.22 Mr. Sharif then questioned the evidence produced by the Police. Sergeant Kirby

clarified that there had been no incidents reported at the pub since 20<sup>th</sup> June 2012. Sergeant Kirby stated that it was often the case that a premise with a pending review 'tightened things up' at this time. She stated there was still Police intelligence that there was a high level of serious crime and anti-social behaviour associated with the premises.

- 4.23 Mr. Sharif commented that Mr. Shabere had been in regular contact with PC Matt Stringer, who had been in charge of the area before the boundaries had been realigned and Sergeant Kirby had taken over. Sergeant Kirby stated that she had visited the premises six times since she had taken control of the area, but that she had not met Mr. Shabere on any of these occasions.
- 4.24 In response to a question from Mr. Sharif, Sergeant Kirby confirmed that she had not been in attendance at a meeting held on 20<sup>th</sup> December 2011 with the premises, as she had been off work during the month of December for personal reasons.
- 4.25 With regard to the attendance of Mr. Shabere and his staff on a Safeguarding Children course, Mr. Sharif refuted the suggestion that Mr. Shabere had not passed on the course details to his staff. Mr. Sharif stated that all staff had now attended the course, and that any missed appointments had not been intentional.
- 4.26 With regard to Sergeant Kirby's statement that every time she called Mr. Shabere he had been at Manchester airport, Sergeant Kirby clarified that she meant simply 'airport' and not specifically Manchester, and she confirmed that this had been the case every time she had tried to contact Mr. Shabere.
- 4.27 Sergeant Kirby confirmed that, often, when the Police arrived to deal with a situation at the pub, people dispersed almost immediately, making situations hard to manage, and information difficult to obtain.
- 4.28 Sergeant Kirby confirmed that the last test purchase operation at the premises (in 2011), had been passed successfully. This was prior to Mr. Shabere taking over at the premises.
- 4.29 Mr. Sharif clarified that Mr. Shabere had taken over the lease of the premises from Ms. Karina Solomon, and not from Mr. Vernon Solomon, as indicated in the report; Karina being the daughter of Vernon Solomon
- 4.30 With regard to accessing the CCTV footage, Mr. Sharif confirmed that, although Ms. Akhtar had not been able to operate the system herself, Mr. Shabere had arranged for another friend to come and operate the system, which had occurred successfully, and the Police had been able to access the footage as required.
- 4.31 **RESOLVED:** That the public and press 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 Paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

- 4.32 PC Wilkinson then showed Members further CCTV footage of the venue. This time, the footage focused upon a football match day, and showed a large number of people in the public house, drinking, chanting and singing football songs. The pub was very busy, and there was a large group of young people playing pool, with others gathered around the pool table
- 4.33 PC Wilkinson informed Members that his role was as a 'spotter', and his job was to identify individuals who were linked to football violence associated with Sheffield Wednesday football matches. He explained that the older football hooligans respected a 'code' and would only fight recognised hooligans from other teams. However, a new younger group who called themselves the 'Owls Crime Squad' did not respect this code, and fought anyone they saw fit. This made things extremely problematic on match days.
- 4.34 PC Wilkinson stated that the Parson Cross Hotel was used as a starting point on match days, and that fans and hooligans would gather there to get drunk and chant football songs. They would then walk to Hillsborough Corner in a 'show of strength', and intimidate other fans on the way.
- 4.35 PC Wilkinson identified the majority of the young people in the footage as being aged between 15 and 19 years of age. Many of the young people in the footage were known to him and his team for other offences
- 4.36 PC Wilkinson added that two pubs near to Hillsborough stadium (the Gate and The Travellers) had recently closed down, and the Owls Crime Squad base had subsequently transferred to the Parson Cross Hotel. The atmosphere in the Parson Cross Hotel during the footage was very loud and intimidating, and there seemed to be a great number of young people present in the premises. PC Wilkinson stated that the premises had an undercurrent of criminality, and was not an easy place for Police to enter, especially on match days. PC Wilkinson added that there was a high-risk football match scheduled for Saturday 25<sup>th</sup> August 2012 (Sheffield Wednesday v Millwall), and that the premises needed to be ready to handle the activity on that day. PC Wilkinson stated that there was an unacceptable level of incidents at the premises.
- 4.37 At this stage in the proceedings, the meeting was re-opened to the public and press.
- 4.38 In response to the footage shown and the level of incidents reported, Mr. Shabere stated that he believed there was a personal vendetta against him held by Mr. Solomon, as Mr. Solomon had been unhappy about Mr. Shabere taking over the licence in the first place. As a large number of incidents reported were anonymous, or not followed up, or were concluded with 'no further action taken', Mr. Shabere believed that many of the reports were false.
- 4.39 In response to a question from Members, Inspector Leake stated that it was the CCTV footage of the match day at the premises which had prompted the request for a review, due to the hostile environment at the pub and the large number of underage drinkers. Inspector Leake added that other premises in the locality had robust structures in place to deal with things such as football violence, whereas

the Parson Cross Hotel did not, which is why violent gangs had selected it as their base.

- 4.40 Inspector Leake emphasised the need for proactive management of the premises. He commented that monthly meetings were currently taking place at present with the premises, which were a large drain on Police resources. The pub needed to be able to 'walk on its own two feet',
- 4.41 Members asked Inspector Leake what more he would do with the pub if resources were not an issue, and he replied that he would install UV lighting in the toilets to deter drug usage, and increase Police levels to patrol the pub. However, he emphasised that there were many things the PLH could do which did not involve a great deal of expenditure, such as taking a more proactive approach to the management of the premises.
- 4.42 PC Wilkinson stated that although the footage did not show any violence at the pub, the premises were a 'launch pad' for violence which occurred later on the day; before, during and after the match, and allowed the gangs to gather there with no repercussions.
- 4.43 Inspector Leake clarified that the number of incidents reported at the Parson Cross Hotel was significantly more than those reported at other pubs across the City. Inspector Leake commented that it was disappointing to note that the DPS was not present at the hearing. Inspector Leake believed that a clear break needed to be made between the premises and organised crime gangs.
- 4.44 Ms. Hague then addressed the Sub-Committee. She stated that there had been persistent problems since 2008 at the premises with regard to underage drinking. Various attempts had been made to support the management of the venue over the years, and there had never been a proactive approach to addressing the problems. She also provided some background about the effect of drinking on children and young people.
- 4.45 She outlined the problem of the lone toddler who was seen wandering around the premises unsupervised during the CCTV footage, adding that the DPS had had sight of the toddler, but had chosen not to intervene.
- 4.46 Ms. Hague acknowledged that the premises did display clearly the children's charter and that all the necessary signs and systems seemed to be in place, but that these systems were not operated and enforced by staff, and the children's charter was not adhered to. She also acknowledged that her contact with Mr. Shabere had always been positive, and that he had been cooperative when she had spoken to him. She also stated that all staff had attended the Safeguarding training. Ms. Hague added that a member of staff called Linda Bell had taken the lead on Safeguarding issues, as the DPS already had enough areas of responsibility.
- 4.47 Mr. Sharif stated that there had been a parent near to the three year old supervised child, but Ms. Hague said that she had not seen one, having viewed the full footage, and that the child was left on its own for far too long.

- 4.48 Ms. Hague acknowledged that one of the Safeguarding training letters had the wrong postcode on it, and she admitted it may never have reached the intended recipient.
- 4.49 Mr. Sharif then addressed the Sub-Committee. He stated that Mr. Shabere had taken over control of the pub on 15<sup>th</sup> December 2011. Mr. Shabere also owned a number of housing properties in the area. Mr. Shabere was a family man, and had eight grandchildren. He had also volunteered as a Special Constable for the Police in the past, and currently volunteered at the Fir Vale Youth Project. Mr. Shabere also owned and operated a children's nursery in Hull.
- 4.50 Mr. Sharif stated that although Mr. Shabere believed the four core Licensing objectives were being met, he and the DPS were willing to adapt and improve the way in which the premises were operated.
- 4.51 Mr. Sharif reiterated the personal vendetta which he believed was held against Mr. Shabere by Mr. Solomon, and how this had affected the business, with repeated anonymous calls to the Police.
- 4.52 Mr. Sharif stated that there was a drugs box in operation at the premises and this was kept sealed at all times. Mr. Shabere had made a recent attempt to join Licence Watch, but the dedicated officer for this had been on holiday when he had called.
- 4.53 Mr. Sharif stated that a great deal of the Police evidence had not been 'backed up', and he also added that there had been no incidents reported at the premises at all since 20<sup>th</sup> June 2012. Mr. Sharif reiterated that all staff at the premises had attended the Safeguarding training, and that a drugs dog walk through had been requested of South Yorkshire Police, but had not taken place due to the reasons already outlined.
- 4.54 Mr. Sharif reported that there were issues around employing SIA registered door staff, as had been suggested by the Police, due to financial restrictions from Mr. Shabere.
- 4.55 With regard to the photograph and footage which had been seen, Mr. Sharif stated that there was still no conclusive evidence of underage sales.
- 4.56 Mr. Sharif stated that Sergeant Kirby had been wrong about Mr. Shabere being 'at the airport' every time she had phoned him, This had, in fact, just been the one occasion when he had driven to Manchester airport to collect a friend.
- 4.57 Mr. Sharif referred to the questionnaires which were contained within the agenda pack. 300 of these had been distributed by Mr. Shabere and filled in by local people. They reflected a variety of different views about the premises. Mr. Shabere stated that he accepted the Police comments about the pub being seen as a launch pad for gangs, but he stated that he had never witnessed any violence or disorder at the premises. Mr. Shabere confirmed that he was happy to work with South Yorkshire Police to move things forward, as he wanted a

successful business.

- 4.58 Mr. Shabere stated that he was not aware of the type of behaviour seen in the second piece of CCTV footage until he had seen it today, although he also stated that he did visit the pub regularly, around three times a week.
- 4.59 It was clarified that outdoor furniture had been removed from the front of the pub, following a recommendation by the Police, and that he intended to prevent people from taking furniture outside in future. When asked why the DPS was not in attendance at this hearing, Mr. Shabere stated that he did not realise she was expected to attend. Mr. Shabere stated that he believed the DPS was capable and responsible and that he trusted her with his business. Mr. Shabere clarified that this was the first public house he had operated.
- 4.60 Mr. Shabere admitted that the pool cues should have been locked away on the match day shown in the CCTV footage.
- 4.61 Mr. Shabere stated that he was confident that he could handle the venue on the day of the football match scheduled for 25<sup>th</sup> August 2012, and that if he could not cope with the venue, he would voluntarily surrender his licence. Mr. Shabere stated that he intended to be present at the pub a great deal more from now on. Mr. Shabere then assured Members that he was capable of operating the pub and that he was determined to prove this. He added that he would provide greater support to the DPS in future. He admitted he could not change the people who lived in the area, but he could tighten up operations at the premises.
- 4.62 Mr. Shabere confirmed that staff at the pub were as follows; Naseem Akhtar (DPS), Mick Hunt (Assistant Manager), Carol Gambles (bartender) and Linda Ball (bartender).
- 4.63 It was noted that there were private rooms above the pub which were rented out, and there was a large function suite, which was currently closed and locked, pending refurbishment. With regard to the area round the back of the premises, Mr. Shabere stated that he had not attempted to put furniture out there as this would be 'a nightmare' to control.
- 4.64 Mr. Shabere admitted that the pool cues should have been locked away on a match day, and stated that he would ensure that this happened in future. Mr. Shabere stated that he wished for the pub to be family-friendly, and that he would take further advice from Ms. Hague in the future. Mr. Shabere clarified that, although Ms. Akhtar could not work the CCTV system, he had a friend who could come to the premises if requested, in order to operate it. Mr. Shabere accepted that the toddler in the CCTV footage had been on its own for an unacceptable length of time
- 4.65 Mr. Hunt stated that he used to work for Sheffield Forgemasters, and that he had taken his PLH qualification there. Mr. Shabere was asked what he understood to be the Challenge 21 system, and he replied that if a customer looked 21, they should be asked for ID.



- 4.66 In summary, Inspector Leake stated that the Police wished to see a significant culture change at the premises, and that they wished to see an end to underage drinkers feeling comfortable in the venue. Ms. Hague stated that she wished to see systems and structures strongly enforced at the premises, in order to make it a safe environment for children and young people. Mr. Sharif stated that he believed no substantial evidence had been produced by South Yorkshire Police, although he accepted that there was room for improvement, with management willing to learn, adapt and improve. He believed the situation was not beyond resolution, and was willing to take advice where necessary.
- 4.67 The Licensing Officer then detailed the options open to the Sub-Committee.
- 4.68 **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.
- 4.69 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.70 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.71 **RESOLVED:** That the Sub-Committee agrees to remove the Designated Premises Supervisor, and to modify the conditions of the licence in respect of the premises known as the Parson Cross Hotel, Deerlands Avenue, Sheffield, S5 8AA, as follows;

(a) No licensable activities to take place at the premises for a period of three months.

The reason for this condition was to give the premises the clean break it required to allow there to be a culture change at the premises and for the premises to be able to operate stricter controls when it reopened, which were as follows;

- (i) No under 18s to be on the premises at any time
- (ii) Challenge 25 to be in operation
- (iii) Become a member of pub/licence watch and maintain regular attendance
- (iv) Staff must receive training which is refreshed annually and records kept of this training
- (v) No alcohol to be consumed in the outside area at any time
- (vi) No tables and chairs to be in the outside area
- (vii) Refusal log to be kept and available for inspection
- (viii) Drug box to the requirements of South Yorkshire Police to be in place at the premises
- (ix) On Sheffield Wednesday home match days, pool cues and balls will be locked away for the entire day, and
- (x) SIA registered door staff to be on each access door for Sheffield Wednesday home matches from opening until closing.

(Existing conditions 2, 4, 7 and 8 of Annex 2 are to be removed)

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