

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 9 April 2013

**PRESENT:** Councillors John Robson (Chair), Neale Gibson and George Lindars-Hammond

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

1.1 There were no apologies for absence received. Councillor Philip Wood 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 - PLAYERS' LOUNGE, 20 YEW LANE, SHEFFIELD S5 9AN**

4.1 The Chief Licensing Officer submitted a report to consider an application for the summary review of a Premises Licence made under Section 53 of the Licensing Act 2003, in relation to the premises known as Players Lounge, 20 Yew Lane, Sheffield, S5 9AN, on the grounds of serious crime and disorder and public nuisance.

4.2 Present at the meeting were Claire Bower (Principal Licensing Officer), Matt Proctor (Senior Licensing Officer), Jonathan Hyldon (John Gaunt and Partners, Solicitors, acting on behalf of the premises management), Patrick Robson (John Gaunt and Partners, Solicitors – observing), Keith Johnston (Premises Licence Holder), Kevin Johnston (Designated Premises Supervisor), Julie Hague (Sheffield Safeguarding Children Board), Beverley Renshaw and David Fretwell (Local Residents), Inspector Simon Leake, Lizzie Payne, PC Neil Windle and Sgt Tom Fisher (South Yorkshire Police), Sean Gibbons (Health Protector Service – observing), Carolyn Forster (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Carolyn Forster outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that the application for the review, received on 18<sup>th</sup> March 2013, had been made by Superintendent Shaun Morley, in order to prevent

serious crime and disorder and public nuisance, and to protect the public from harm. It was also noted that representations in respect of the application had been received from the Sheffield Safeguarding Children Board and three local residents, two of whom were in attendance at the meeting, and were attached at Appendices 'E' and 'F1', 'F2' and 'F3' to the report, respectively. Details of the representations from a fourth local resident, who did not attend the meeting, were circulated at the hearing.

- 4.5 The evidence provided by South Yorkshire Police, as part of its case, was circulated at the hearing.
- 4.6 Inspector Simon Leake referred to his witness statement, reading the statement verbatim at the request of the Chair and for the benefit of all persons present at the hearing, due to the fact that it had only been circulated on the day of the hearing. In the light of the information relating to the serious incident which occurred at the premises on 15<sup>th</sup> March 2013, which, if reported publicly, could prejudice any future Police enquiries or Court case, it was:-
- 4.7 RESOLVED: That the public and press and those people making representations 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 7 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.8 Inspector Simon Leake reported, in detail, on the incident which had occurred at the premises on 15<sup>th</sup> March 2013, which had involved a disturbance, resulting in someone receiving knife wounds, and responded to questions raised by Members of the Sub-Committee following the information reported.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the public and press and those people making representations.
- 4.10 Inspector Simon Leake continued reading his witness statement.
- 4.11 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Inspector Leake confirmed that the CCTV camera was permanently fixed at the location as indicated and that this was common practice at locations where there were particular problems of crime and disorder. This particular camera had been specifically directed to film up and down Yew Lane, both directly outside and on the frontage of the premises. He stated that it was not the Police's intention, regarding the survey which had been undertaken to seek residents' views in terms of the operation of the premises, to obtain their views and use this as evidence as part of the Police's objection to the impending application to vary the Premises Licence. The Police

simply wanted to seek the residents' views in order to get an idea of what was going on in the area. He confirmed that he believed that the information compiled by the Police showed that there was evidence of serious crime and disorder linked to the premises. Inspector Leake could not confirm how long the CCTV images were stored on the premises' system. The Police had evidence to prove that the Premises Licence Holder (PHL) and the Designated Premises Supervisor (DPS) did not have sufficient knowledge to operate the CCTV system, particularly with regard to saving and downloading images, despite this requirement being included as a condition of the Premises Licence. The Police therefore believe that not only were the management in breach of this particular condition, but that they were also in breach of Condition 12 – relating to the operation of a recognised proof of age scheme, Condition 13 – relating to the requirement of children under the age of 16 years being accompanied by an adult and supervised at all times, and Condition 14 – relating to persons under the age of 18 years not being permitted to remain on the premises after 22:00 hours, unless dining or attending a pre-booked function, event or game.

- 4.12 In response to questions from Jonathan Hyldon, Inspector Leake confirmed that, although he had only considered it appropriate to look into the operation of the premises with effect from April, 2012, when he became responsible for this area, there had been no issues raised in connection with the premises in the previous 18 months. He stated that he was not personally aware of the arrangements made in respect of the multi-agency 'Safeguarding Children at Licensed Premises' training workshop on 5<sup>th</sup> February 2013, for members of staff of the premises, but accepted that this training workshop will have taken place. Further to a number of questions raised in connection with his witness statement, Inspector Leake accepted that there will likely have been more revelry at the premises on 31<sup>st</sup> December, 2012, due to it being New Year's Eve and that it was accepted that there was no firm evidence, following the phone call received from a member of the public to the '101' system, to prove that the noise was being caused by people leaving the premises. It was unlikely that the Police contacted the management of the premises following a further call made later on in the morning of 1<sup>st</sup> January 2013, relating to noise nuisance on the basis that it was an isolated incident. Further to a call complaining about vehicles being parked near to their home address, which was being linked to customers visiting the premises, Inspector Leake confirmed that this, in itself, was not an offence. In terms of further incidents, following calls from local residents to either the '101' system or '999', Inspector Leake confirmed that no fighting had been witnessed by the Police on 12<sup>th</sup> January 2013, there was no crime committed, but merely a disturbance on 26<sup>th</sup> January 2013, no assault had been committed later on, on 26<sup>th</sup> January 2013, no fighting had been witnessed by the Police and no complaints of assault were received by the Police on 27<sup>th</sup> January 2013, and again, no fighting had been witnessed by the Police on 8<sup>th</sup> February 2013. He confirmed

that, apart from the one failed test purchase on 22nd October, 2010, the premises had passed all subsequent test purchases.

- 4.13 In terms of the neighbourhood survey undertaken by the Police to seek public opinion on the proposed variation to the Premises Licence, it was reported that Sgt Craig Charlesworth had compiled the questionnaire and the sole intention of the survey had been to seek residents' views as to whether they thought there were any problems relating to the operation of the premises. In terms of the questions raised, there was a possibility that the Police Community Support Officers (PCSOs) could have asked further questions, over and above those set out in Sgt Charlesworth's statement, but he could not confirm this. Inspector Leake was not able to confirm whether anyone had vetted the questions, other than to state that he had not done this himself, and he accepted that the two questions listed in the statement could have been viewed as leading. In terms of the call received on 21<sup>st</sup> February 2013, relating to underage drinkers, there were no checks carried out in terms of the credibility of the caller, therefore there was no further evidence to prove that the young people were underage or that they were consuming alcohol, and it was accepted that they could have got drunk elsewhere prior to entering the premises. Lizzie Payne added that the Police had CCTV footage of an underage person sharing an alcoholic drink with an adult. In respect of the call received from a member of the public on 3<sup>rd</sup> March 2013, relating to a fight outside the premises, it was accepted that when the Police arrived, they did not witness any trouble.
- 4.14 Regarding the call received on 9<sup>th</sup> March 2013, where a member of the public stated they had witnessed between 50 and 100 people fighting at the premises, it was accepted that people often over-estimated numbers of people in such situations and it was confirmed that the CCTV images showed considerably less people involved in the disturbance. Further to the visit undertaken by Police Licensing Officers to the premises on 9<sup>th</sup> March 2013, which resulted in traces of cocaine being found on toilet seats, it was accepted that this was a common problem across the City. Inspector Leake could not confirm whether or not investigations were ongoing following the report of a 16 year old male having been assaulted and robbed, but indicated that this was likely to be the case. Following the serious incident on 15<sup>th</sup> March 2013, Inspector Leake confirmed that it was the Door Supervisors who had assisted the Police on their arrival at the scene, rather than the PLH or DPS. He stated that he was aware that the Door Supervisors were Security Industry Agency (SIA) registered, but indicated that the Police could only offer advice to licensed premises on the credibility and standard of Door Supervisors.
- 4.15 In terms of the pre-booked functions at the premises on 16<sup>th</sup> March 2013, following the voluntary closure of the premises after the incident on 15<sup>th</sup> March 2013, Inspector Leake believed that the Police had, in fact, only given approval for one pre-booked function to take place on

this day. He accepted that, as the extra precautions requested by the Police, in connection with the functions, were only advisable, the premises management had not breached any conditions of the licence. Following the reference to the photographs of the two function rooms on 16<sup>th</sup> March 2013, Inspector Leake accepted that both the parties were coming to a close at the time Police Officers entered the premises at 23:45 hours. In terms of the calls to the Police, complaining of noise or disturbance at the premises, Inspector Leake accepted that there was no continuity in terms of the names of people calling who lived near the premises, but he stressed that people do have different tolerance levels. Inspector Leake accepted that the PLH was able to show to the Police CCTV images from an incident on 10<sup>th</sup> February 2013, but was not able to save or download the images to a disc. Inspector Leake was not sure whether any other member of staff was able to save or download the images, but was frustrated that someone from the Police's AVA Department had to visit the premises and recover the CCTV images. He could not confirm whether the DPS was able to download the images to a disc the day after. He confirmed that, in accordance with Sgt Craig Charlesworth's witness statement, dated 28<sup>th</sup> March 2013, the condition regarding the CCTV was the only one which did not match with the conditions on the Premises Licence, and that, in accordance with PC Wayne Ventour's witness statement, the DPS was not being obstructive to the Police after their request for the CCTV images, but was simply unable to save the images on to a disc.

- 4.16 Julie Hague stated that the Safeguarding Children Board had made representations in relation to the licence review on the grounds that the premises had consistently failed to enforce safeguarding systems in order to meet the core objective for the protection of children from harm under the Licensing Act, to provide a safe and family friendly environment for children and young people. Since 2010, the Board had been involved with recurring problems and complaints regarding underage drinking and the volatile environment at the premises due to alcohol-related disorder and violence. The concerns were presented to a meeting of this Sub-Committee, at a review hearing in 2011, resulting in a tightening of safeguarding regulations and an increased number of staff being trained in October 2011. After the review hearing, the level of management competence at the premises appeared to have improved and at a meeting to investigate a violent incident on 15<sup>th</sup> December 2011, management were able to evidence that they had responded appropriately when a member of the club had become violent. Ms Hague reviewed the ongoing safeguarding concerns with regard to the management of private functions, and at the meeting held on 15<sup>th</sup> December 2011, she reiterated advice that a responsible adult should be available to organise and assist at 18<sup>th</sup> birthday parties, a guest list be provided in advance, and that private parties should be in a private area not accessed by the public. These safeguarding systems were not enforced by the premises management. She also advised that all staff should attend the

safeguarding training as the premises was known to attract high numbers of young people, and a training offer letter was sent for the next available course on 1<sup>st</sup> February 2012. Although no staff attended this course, a number of staff had already been trained, including the DPS, and in the light of the significant amount of advice issued at meetings and during previous training, she was satisfied that the premises management were clear about what systems were expected in order to protect children from harm at the premises.

- 4.17 Throughout 2012, the Board did not receive any further complaints in relation to the premises. However, on 9<sup>th</sup> January 2013, Ms Hague attended a joint agency meeting convened by the Licensing Authority to discuss concerns that extensive unauthorised works and significant changes to the style and character of the operation had taken place. The Safeguarding Children Board was concerned at the fact that the premises was regulated as a membership club, but was now operating as a late bar/function suite, and attracting high numbers of young people, particularly for 18<sup>th</sup> birthday parties. At that meeting, she expressed concern about the loopholes in the so-called membership scheme, which accepted members on the spot and did not appear to be subject to rigorous identity or age checks, in order to join. In response to her concerns about vetting people's credentials regarding the membership scheme, the DPS stated that young people may be using false ID to join the scheme. She therefore again advised the DPS to improve the safeguarding measures at the premises, requesting that he undertakes a risk assessment in relation to the changing style of operation, operates more stringent ID/age verification measures, such as only accepting recognised ID and asking for two forms of identification, as well as requiring ID at private functions, and enforcing the safeguarding systems which had been previously advised, but not yet enforced, to improve the management of functions. At the meeting on 9<sup>th</sup> January 2013, Ms Hague observed that, following the restyle of the premises into a late bar, all due diligence materials had been removed so that no Challenge 25 posters, Children's Charter or Home Office false ID posters were on display. She promptly reissued the materials and urged the DPS to display and enforce these systems to give customers the necessary responsible drinking and behavioural messages for a family friendly environment. The DPS requested more staff training, so arrangements were made for six members of staff to be booked on the next available training, on 5<sup>th</sup> February 2013. Five of the six members of staff attended the training on this date and Ms Hague was informed by the DPS that the majority of staff were now trained in safeguarding children at the premises. On 14<sup>th</sup> February 2013, Ms Hague had to contact the DPS to request a meeting to investigate a complaint that three vulnerable school girls, one of whom had been reported to be offering sexual favours in exchange for cigarettes at a nearby local premises, and had disclosed to the complainant that they had been at Players' Lounge on the night of 10<sup>th</sup> February 2013, unaccompanied by an adult, and drinking alcohol. The complainant was concerned

about the welfare of the girls who had been refused entry to the complainant's premises. On 21<sup>st</sup> February 2013, as Ms Hague arrived at the premises to discuss the complaint about the vulnerable school girls, she was informed prior to the meeting by PC Waddington that an additional complaint had been received by the Police regarding underage drinking at the premises. She later met with the DPS at the premises, along with Lizzie Payne and PCs Waddington and Parker, to discuss the complaints that had been referred to the Board. Following reference to the complaints of underage drinking, the DPS indicated that he had already dealt with the complaint she had referred to, which had been made to him directly by a concerned parent who had discovered her daughter's membership card to the Players' Lounge, in her bedroom.

- 4.18 The DPS expressed a view that as long as young customers were subscribed to the 'instant' membership scheme, then his compliance with the licensing conditions was adequate. Ms Hague indicated that she was not in fact aware of this particular complaint, and that this was obviously an addition to the two other complaints she had intended to discuss. She then provided the DPS with details of the other two complaints, providing a description of the three school girls who had allegedly accessed the premises on 10th February 2013, together with details of the approximate time. The DPS stated that he did recall some girls accessing the premises, but indicated that he had asked them to leave. When viewing the CCTV records, Ms Hague saw three girls who appeared to match the description provided by the complainant, and who were seated in the bar area, and appeared to be socialising with a male adult customer. CCTV showed the girls leave the premises unaccompanied and of their own volition, and they were picked up by car in the premises car park. A discussion then took place about safeguarding issues and the urgency for improvement in the light of the changed style and character of the premises, and Ms Hague repeated the advice regarding the necessary safeguarding systems, particularly at functions, how to improve the membership scheme and how to manage risk regarding underage sales. In light of a recent application to vary the Premises Licence, it was agreed by all parties that the safeguarding measures would be improved through this application and on 13<sup>th</sup> March 2013, the Safeguarding Children Board submitted a representation to the Licensing Authority in response to the application. This included a range of proposed measures to improve child protection systems and, in particular, aimed to better regulate functions. However the Safeguarding Children Board was subsequently informed by the Police and a local resident, that a serious violent incident had occurred on 15<sup>th</sup> March 2013, and that weapons had been found inside and outside the premises. This incident evidenced an escalating risk that children and young people, either socialising at the premises or who were in proximity to it, may suffer physical or psychological harm.

- 4.19 Ms Hague concluded by stating that, wherever possible, the

Safeguarding Children Board endeavoured to support and engage with its licensed trade partners in order to create safe and family friendly environments, where children and young people can learn to socialise responsibly. Unfortunately, at this stage, it was no longer safe to continue to take a partnership approach as, despite ongoing and repeated advice, guidance and training, the premises management was unable to provide a stable, family friendly environment. Ms Hague stated that if the issues of crime and disorder were not addressed, and if safeguarding systems were not improved, it was probable that children and young people who live, or who are in proximity to the premises, would continue to be exposed to the risk of physical or psychological harm. Ms Hague therefore requested, on behalf of the Safeguarding Children Board, that positive action was taken by the Sub-Committee in order to protect children from the risks presenting at the premises.

- 4.20 In response to questions from Members of the Sub-Committee, Julie Hague stated that the Board would take complaints of young girls offering sexual favours in and around licensed premises very seriously. She accepted that this could occur at other pubs or licensed premises in the City, and stated that the Board worked very closely with licensees to try to make sure that the wrong type of people were not attracted to licensed premises. In terms of the CCTV footage of the underage girls in the Players Lounge, they were not accompanied by an adult and appeared comfortable and at ease, sat in the bar. This issue was referred to the Police Sexual Exploitation Team and the DPS was alerted. It was believed that the premises management's Solicitor has reviewed the rules in terms of the membership scheme, with the aim of changing the rules of the scheme. It was accepted that the management had co-operated with the Safeguarding Children Board, but it was the number and nature of the incidents that raised the concerns. With regard to the 'instant' membership scheme, although the management was covered in terms of its legal obligations, the scheme was not considered adequate in the light of the allegations of an underage girl's mother finding her daughter's membership card in her bedroom. A witness stated that she had visited the Players Lounge to remove her daughter, who was underage and intoxicated, from the premises. The Safeguarding Children Board had expected the DPS to have resolved the issues regarding the scheme, and it was considered that operating such a scheme was likely to bring more problems than not having one at all, unless the criteria for the scheme improved. Further discussions were held to restrict the hours and areas where under 18 year olds could go. Ms Hague confirmed that she did not consider that the Board could continue to merely take a partnership approach to assist the premises management and considered that the existing conditions of the Premises Licence allowed too much access for under 18 year olds. With reference to the photo contained in the additional information circulated by the premises management's Solicitor at the hearing, which showed a pram at 23:29 hours at one of the functions



held at the premises on 16<sup>th</sup> March 2013, Ms Hague stated that whilst the child was the responsibility of the parent/carer, the DPS also had a responsibility to ensure the environment was safe whilst children were present and this requires proactive risk assessment and monitoring by the DPS and security staff, both prior to, and during the function. In terms of the request for ID, the suggestion of under 18 year olds requiring two forms of ID would make it more difficult for them to borrow ID off friends and siblings. It was accepted that under 18 year olds were more able to obtain fake ID, and the Safeguarding Children Board was working with the Police and delivering training to licensed premises on this issue. It was clear that the underage girls who had gained access to the premises were young teenagers, but it was accepted that in some cases, it would be difficult for staff as they would often dress up to look older, and would act older. However, the Challenge 25 scheme should assist to identify and age check younger people.

- 4.21 In response to a query from Matt Proctor, Julie Hague stated that, in connection with the three underage girls on the premises, she was unable to confirm from the images she had viewed as CCTV evidence that they were drinking alcohol.
- 4.22 In response to questions from Jonathan Hyldon, Ms Hague confirmed that there had been no incidents at the premises to raise any safeguarding concerns prior to 8<sup>th</sup> February 2013, and that she did not see any age verification or other due diligence posters, nor was she informed by the management that they were there. Mr Hyldon referred to a photograph of two Children's Charter posters on display in the rear area of the premises. She confirmed that the DPS had requested that he should attend a safeguarding children training course and had therefore acted responsibly. She did not feel it was appropriate to provide the name of the other licensed premises from which the complaint regarding the allegations of underage girls offering sexual favours at the Players Lounge had originated from. Ms Hague stated that the Safeguarding Children Board remained concerned as, despite all the interventions made, and work undertaken with the premises management, whereby the Board had requested strict and consistent enforcement of safeguarding procedures, complaints of underage drinking at the premises were still being received and it was considered that the extra licensing conditions resulting from the 2011 hearing should have sufficed to provide a safe and secure environment had they been consistently enforced.
- 4.23 Beverley Renshaw stated that she lived within four metres of the boundary of the premises, and that she had experienced no problems with the premises until three years ago, when it changed from a snooker club to a bar. Despite a number of conditions being added to the Premises Licence, following the review hearing in 2011, a number of these conditions were not adhered to. Although things had

quietened down in 2012, problems of noise nuisance and disorder increased following the refurbishment of the premises, which included two new function rooms. The premises often hosted two functions on one night, which attracted large numbers of people, and resulted in problems of noise nuisance. The Eva Ratcliffe Sheltered Housing Scheme was located almost directly opposite the premises, and the residents, many of whom were elderly and housebound, were affected by the noise from the premises. Ms Renshaw stressed that the number of calls made to the '101' number did not provide a true picture of how many people were affected as the Police often arrived at the premises after one or two calls, which resulted in noise levels reducing. She made specific reference to incidents where customers from the premises had urinated on her drive and had been witnessed smoking cannabis. Whilst not being able to confirm this herself, she had been informed by a neighbour that problems of underage drinking at the premises were common, with her neighbour informing her that she was aware of a 13 year old girl who had been drinking in the pub. She referred to particular problems of noise and disorder on those nights when 18<sup>th</sup> birthday parties were held at the premises, which included increased noise levels, fighting and an increase in the number of taxis pulling up outside the premises late at night. She concluded by stating that the PLH regularly cleared the premises car park and surrounding area of glass bottles and any other waste following functions.

- 4.24 David Fretwell stated that he was a resident of the Eva Ratcliffe Sheltered Housing Scheme and that he, and other residents of the Scheme, were forced to keep their windows closed as there was often people leaving the premises as late as 00:45 hours. He added that there were also problems with noise caused by young children, who had been left outside by their parents, playing on the decking area, which extended right up to the pavement on Yew Lane. This caused particular problems during the Summer months.
- 4.25 Members of the Sub-Committee raised questions and the two local residents who had made representations stated that adults regularly left their children outside, in the car park or on the decking area, whilst they were inside the premises drinking. Children as young as 9 and 10 years old were often left unattended. Staff at the premises rarely came outside to request customers drinking or smoking outside or children playing in the car park or on the decking area, to keep noise levels down. Although children were often seen playing in the car park or on the decking area during the day and early evening, they had not been seen playing outside after 22:00 hours, nor had customers been seen drinking outside the premises after these hours. Local residents experienced regular problems in terms of the 18<sup>th</sup> birthday parties at the premises, which were generally held on Friday and Saturday nights. Such parties were held on a fairly regular basis on the grounds that very few other licensed premises would allow them. In terms of customers urinating or smoking drugs around residents' properties,

whilst this had occurred, it wasn't a regular problem, and there were very few problems in terms of noise nuisance and disorder at the premises between Monday and Thursday. The noise levels usually escalated after 22:30 hours, mainly at the weekends, but residents suffered from noise nuisance throughout the day in the Summer, again, mostly at weekends. Residents were encouraged to ring the '101' number to report problems of noise nuisance and, although calls had been made to a local Councillor, he had not responded. Problems of noise nuisance were also caused by taxis and other vehicles calling at the premises from 23:30 hours onwards to pick people up. After additional conditions had been imposed on the licence, following the last review hearing, there had been no problems of noise emanating from inside the premises. Ms Renshaw stated that she had spoken to the DPS to discuss the problems following the last review hearing, but had not spoken to him since the problems had increased.

- 4.26 In response to questions from Inspector Simon Leake, Ms Renshaw stated that she had witnessed customers at the premises fighting on the decking, which had made her feel both angry and upset. She also confirmed that she had never seen a member of staff out at the front of the premises, challenging customers' behaviour. In terms of noise nuisance, she confirmed that this was rarely a problem between Monday to Thursday, although it could be noisy during the Summer months when customers are sat outside. She confirmed that she had smelt cannabis on a couple of occasions. Further to the Noise Abatement Notice served on the premises on 13<sup>th</sup> September 2011, Ms Renshaw stated that she had not been contacted by anyone from the Council's Noise Abatement Team.

At this stage in the proceedings, the meeting was adjourned, to reconvene on Monday, 15<sup>th</sup> April, 2013.

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### **Licensing Sub-Committee**

#### **Reconvened Meeting on 15<sup>th</sup> April, 2103**

**PRESENT:** Councillors John Robson (Chair), Neale Gibson and George Lindars-Hammond.

- 4.27 Present at the reconvened meeting were Jonathon Hyldon (John Gaunt and Partners, Solicitors, acting on behalf of the premises), Kevin Johnston (Designated Premises Supervisor), Julie Hague (Sheffield Safeguarding Children Board), Inspector Simon Leake, Lizzie Payne, PC Neil Windle and Sgt Tom Fisher (South Yorkshire Police), Carolyn Forster (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

- 4.28 Jonathan Hyldon put forward the case on behalf of the premises'

management, indicating that the DPS was deeply embarrassed and disappointed at having to attend this hearing, and wished to apologise for the inconvenience and disturbance caused as a result of the events at the premises. The PLH and DPS had been at the premises since 1988, and the business was considered as their livelihood. The DPS had not been warned of any review in terms of the premises until the Police had requested a summary review on 18<sup>th</sup> March 2013. Mr Hyldon stated that, prior to 2010, there had been no issues with regard to the operation of the premises and that a prior summary review had been held in respect of the premises in September 2011, following complaints from residents with regard to noise nuisance and litter and glass bottles being left in and around the curtilage of the premises, as well as a failed test purchase. Following representations made by the Sheffield Safeguarding Children Board, a number of additional conditions had been placed on the Premises Licence. One of the additional conditions related to the requirement of the Council's Environmental Protection Service to monitor noise levels at the premises, but there was no evidence to show this had taken place. He stressed that there had been no issues, or cause for concern, in respect of the operation of the premises by the Police and the Safeguarding Children Board up to mid-January 2013, and no cause for concern of the Safeguarding Children Board up to 8<sup>th</sup> February 2013. Mr Hyldon referred to the additional information he had circulated at the hearing, indicating that the DPS must have been complying with all the conditions on the Premises Licence. The £100,000 refurbishment of the premises in Autumn 2012 showed that the management were committed to providing high quality facilities for local residents, the DPS was a member of Sheffield License Watch, and he and his staff had attended the various training courses as requested. The DPS had complied with all the conditions of the Premises Licence, apart from the issue relating to the downloading of CCTV images and that the management were having to deal with a number of troublesome customers, who had started visiting the premises following the closure of a number of other licensed premises in the area. The management had taken their responsibilities seriously in that they had barred a number of customers who had caused trouble at the premises. In terms of the refurbishment, it was accepted that the management had not obtained all the relevant planning consents, but this was down to an oversight, and had now been resolved.

- 4.29 At this stage in the proceedings, Mr Hyldon referred to, and responded to questions on, the serious incident on 15<sup>th</sup> March 2013, and requested that this be done in private session.
- 4.30 **RESOLVED:** That the public and press and those people making representations 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 7 of Schedule 12A to the Local Government Act 1972, as amended.

- 4.31 Jonathan Hyldon reported on the actions of the premises management in connection with the incident at the premises on 15<sup>th</sup> March 2013, and responded to questions thereon from Members of, and the Solicitor to, the Sub-Committee, Inspector Simon Leake, Julie Hague and Lizzie Payne.
- 4.32 At this stage in the proceedings, the meeting was re-opened to the public and press and those people making representations.
- 4.33 Jonathan Hyldon referred to the private functions held at the premises on 16<sup>th</sup> March 2013, which had been allowed to take place following the voluntary closure on 15<sup>th</sup> March 2013, on the condition that extra precautions, requested by the Police, were put in place. Mr Hyldon stated that the premises management had adhered to these conditions and, although the Police had to enter the premises at 23:45 hours, Mr Hyldon referred to photographs taken of the two functions, at around this time, which showed the parties had either been wound up or were very close to winding up. He stressed that they stopped serving alcohol at the requested time of 23:00 hours. Mr Hyldon referred to the email, sent on 18<sup>th</sup> March 2013, where the DPS had requested a meeting to discuss issues regarding door security staff as he was not satisfied with the existing staff. He referred to the management's willingness for their door staff to use metal wand scanners as and when required, and also referred to the offer made at the previous interim steps meeting, relating to the increase in Door Supervisors from two to three, and to require them to monitor all external areas to ensure noise from the premises and customers does not become excessive and to encourage customers to disperse quietly. It was not considered necessary however, for there to be three Door Supervisors at the premises any earlier than 21:00 hours as there was rarely any trouble before this time. Mr Hyldon referred to the other conditions which had been voluntarily offered by the premises management and indicated that the DPS would be more than happy to complete the various logs, including the Incident Log, Patrol Record and Refusals Log.
- 4.34 In terms of the issues regarding the problems downloading CCTV images, Mr Hyldon read out an email which had been received from the electrical engineer who had installed and maintained the CCTV system at the Players' Lounge, and which referred to problems with the system, which had resulted in the PLH and DPS being unable to download the images onto a disc. He referred to the Licensed Premise Drugs Policy, which was in operation at the premises, and indicated that the management would welcome any assistance in preventing drug use at the premises. Mr Hyldon also referred to the training record form for a server of alcohol, which referred to the bar staff's responsibilities in terms of serving people under the age of 18

or someone who is drunk, together with the Level 2 Award for Personal Licence Holders – Workbook, which set out details of the four key licensing objectives. Mr Hyldon referred specifically to the condition the management were offering in terms of ending the hosting of 18<sup>th</sup> birthday parties at the premises, indicating that, no action had been taken against the premises in connection with the holding of such parties, neither had the premises failed any test purchases since the one failed on 22<sup>nd</sup> October, 2010.

- 4.35 With regard to the conditions discussed at the Sub-Committee's meeting held on 28<sup>th</sup> March 2013, Mr Hyldon stated that, despite residents' complaints of noise nuisance outside the premises, there had been no contact with the Council's Environmental Protection Service and no Noise Abatement Notice had been served on the premises. Regarding litter and glass outside the premises, it was reported that the PLH goes out every morning to clear this up off the pavement and the road. Reference was also made to the fact that the PLH had photographic evidence of each day the notices were displayed at the premises referring to the application for a Variation Order. Mr Hyldon concluded by referring to the emails and letters which had been received in support of the operation of the premises, referring to two further letters which had been received after the information had been collated.
- 4.36 In response to questions from Members of the Sub-Committee, Mr Hyldon stated that with regard to the refurbishment of the premises, as a result of a lack of knowledge of the system, the DPS had failed to seek Building Regulation consent prior to the refurbishment works being undertaken. He had subsequently submitted a retrospective application and all outstanding issues had now been resolved. He stated that part of the email from the electrical engineer who had installed and maintained the CCTV system which referred to all members of staff being trained to download images, was incorrect. The premises management believed that, for whatever reason, there was some antagonism from other licensees in the area, which had resulted in a number of allegations made with regard to the operation of the Players Lounge. It was confirmed that the PLH had been training young people at snooker at the premises for several years, and the training presently took place between 17:00 and 20:00 hours, once a week, and in most cases, the parents stayed and watched. It was also confirmed that the images in respect of the CCTV system were retained for 28 days. In connection with the call made to the Police on 3<sup>rd</sup> March 2013, from a woman who stated that she had picked her daughter up from the premises the previous evening, and that her daughter was 'very drunk', Mr Hyldon stated that there were no firm details of this incident nor was there any CCTV footage to prove it. Mr Hyldon confirmed that the bar staff did not rely solely on the evidence of the membership scheme when there were doubts about proof of age regarding the sale of alcohol.

- 4.37 In response to a question from Carolyn Forster, Mr Hyldon stated that staff were informed about problem customers, and they were able to view the photographs on the membership cards in order to familiarise themselves with such customers. The management would also inform the Door Supervisors of such people, so that they could not let them onto the premises if they were already barred, or be aware that they were on the premises.
- 4.38 In response to a question from Inspector Leake, Mr Hyldon confirmed that the CCTV engineer attended at the premises on 6<sup>th</sup> and 20<sup>th</sup> March 2013, following calls from the premises management requesting assistance.
- 4.39 In response to questions from Julie Hague, Mr Hyldon confirmed that whilst the DPS accepted that he had received some advice from the Police in connection with preventing the use of drugs on the premises, he could not recall all details of the guidance he had received. It was acknowledged that a 16 year old member of staff had sold alcohol to a 16 year old “customer”, as part of a test purchase operation undertaken on 22<sup>nd</sup> October, 2010. This had resulted in the member of staff being subject to restorative justice processes. There had been no further failed test purchase operations at the premises since that time.
- 4.40 Mr Hyldon confirmed that the premises were operating the Challenge 25 scheme, and that all members of staff had been trained on this. Whilst staff should be able to identify an average 14 year old person as being underage, it was not always that easy, as some 14 year olds looked a lot older than they were. Staff regularly checked people’s age under the Challenge 25 scheme, and did not rely solely on the membership scheme. One of the methods used by underage people to gain entry to the premises was to claim that they had left property on the premises, gain entry, and stay in there. The DPS could not confirm if, and how many times, this had actually happened, as this information had been passed on to him by a third party. In terms of the functions at the premises on 16<sup>th</sup> March 2013, Mr Hyldon stated that the DPS had believed that the Police had given authority for two pre-booked private functions to be held that night, and Mr Hyldon pointed out, by using the plan of the premises, precisely where the functions had been held.
- 4.41 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.
- 4.42 Carolyn Forster reported orally, giving legal advice on various aspects of the application.

4.43 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.44 RESOLVED: That the Sub-Committee:-

- (a) concurs with the views of South Yorkshire Police in that the premises are associated with serious crime and disorder and public nuisance; and
- (b) agrees to modify the conditions of the Premises Licence and add new conditions to the Licence, as follows:-

**Existing Conditions**

**Annexe 2 – Conditions Consistent with the Operating Schedule**

- 5. The Premises Licence Holder and the management staff shall be fully trained in the use of the CCTV system, so that images can be immediately obtained by the Police and authorised officers of the Council.
- 13. Delete – Children under the age of 16 years must be accompanied by an adult and supervised at all times.
- 14. Delete – Persons under the age of 18 years are not permitted to remain on the premises after 22:00 hours unless dining or attending a pre-booked function, event or game.

(All other conditions under this Annexe remain.)

**Annexe 3 – Conditions attached after a Hearing by the Licensing Authority**

All conditions to remain.

**Conditions attached after a Hearing by the Licensing Authority on 6<sup>th</sup> September 2011**

- 4. The external decking area may be utilised by customers between 09:00 hours and 20:00 hours only.
- 5. Save for access and egress, only customers wishing to smoke shall be permitted to stand on the external decking area after 20:00 hours. Those customers wishing to smoke must not be permitted to drink in external areas whilst smoking after 20:00 hours.
- 7. The Door Supervisors must monitor all external areas to ensure noise from the premises and customers does not



become excessive and to encourage customers to disperse quietly.

8. Delete – One hour before the conclusion of any pre-booked function the premises management will ensure an announcement is broadcast within the premises that the event will be finishing in the next hour and customers requiring taxi transport should arrange their taxi.

(All other conditions to remain.)

### **New Conditions**

1. Persons under the age of 18 years shall not be allowed on the premises after 18:00 hours unless attending a pre-booked private function and must be accompanied and supervised by a responsible adult at all times. Prior to 18:00 hours, persons under the age of 18 years will be allowed on the premises when accompanied and supervised by a responsible adult provided they are playing/spectating at a pre-booked sporting activity or if accompanying the responsible adult in a designated family area which must be used on a risk assessed basis (e.g. on football match viewings/match days).
2. Children accessing the premises to attend junior sports coaching sessions must be signed in and out of the premises by a responsible adult and a register of this process must be maintained and made available to the authorities for inspection on request. The premises management must obtain parent/carer consent for children under 16 years attending for sports coaching sessions and keep confidential records of emergency contact details for such children. The premises must have a suitable child protection policy to ensure that staff working with unaccompanied children are suitably vetted.
3. The booking contract for pre-booked, private functions must include that a responsible adult will be in attendance to provide supervision of children and vulnerable young people. This person should be nominated on the booking form, along with their contact details (including a mobile phone number).
4. It should be a booking condition that the person making the booking for a private function is informed that all guests under the age of 25 must bring an acceptable form of identification (e.g. passport, photo driving licence or PASS logo card) in order to purchase alcohol.

5. The premises shall not hold 18<sup>th</sup> birthday parties.
6. A minimum of three Security Industry Association (SIA) registered Door Supervisors must be employed at the premises from 20:00 hours until 30 minutes after the terminal hour whenever pre-booked, private functions take place at the premises after 20:00 hours and also after 20:00 hours on a Friday/Saturday. At least one Door Supervisor shall be stationed at the entrance to the premises at all times.
7. Children accessing the premises to attend junior sports coaching sessions must be signed in and out of the premises by a responsible adult and a register of this process must be maintained and made available to the authorities for inspection on request.
8. Customers shall not be permitted to take glasses outside the premises after 20:00 hours.
9. Upon request by South Yorkshire Police, the premises staff shall provide access to records e.g. Incident Log, Patrol Record, Refusals Log, etc.
10. At intervals of one hour and 30 minutes before the cessation of licensable activities, an announcement shall be broadcast within the premises that the licensable activities will be finishing in the next hour/30 minutes and customers requiring taxi transport should arrange their taxi.
11. Two forms of identity will be required for the Membership Scheme, one of which must be a recognised photographic form of identity, e.g. passport, travel card, PASS logo card.
12. No admission to the premises after 23:00 hours.
13. When SIA Door Supervisors are engaged at the premises, they should be pro-active in persuading patrons to vacate the premises, including the car park, by the end of the opening hours.
14. The hours regarding the sale of alcohol for consumption on the premises will be reduced by 15 minutes to allow a 45 minute period of time for drinking up and dispersal of patrons from the premises, thereby resulting in the following times regarding sale by retail of alcohol (for consumption on the premises):-

Sunday 11:00 to 22:45 hours

Monday 10:00 to 23:15 hours

Meeting of the Licensing Sub-Committee 9.04.2013

Tuesday 10:00 to 23:15 hours  
Wednesday 10:00 to 23:15 hours  
Thursday 10:00 to 23:15 hours  
Friday 10:00 to 23:45 hours  
Saturday 10:00 to 23:45 hours

New Year's Eve (31.12) 10:00 to 23:45 hours  
New Year's Day (01.01) 00:00 to 23:45 hours