

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 2 July 2013

**PRESENT:** Councillors John Robson (Chair), David Barker and Philip Wood

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

- 1.1 No apologies for absence were received. Councillor Nikki Bond 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 - THE TERMINUS TAVERN, 150A MAIN ROAD, DARNALL, SHEFFIELD, S9 5HQ**

- 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 the Premises Licence in respect of the premises known as The Terminus Tavern, 150a Main Road, Darnall, Sheffield, S9 5HQ.
- 4.2 Present at the meeting were Inspector Paul Ferguson and Benita Mumby (South Yorkshire Police, Applicants), David Greenall (Premises Licence Holder, The Terminus Tavern), Tansy Bagshaw (Designated Premises Supervisor, The Terminus Tavern), Julie Hague (Sheffield Safeguarding Children Board), Matt Proctor (Senior Licensing Officer), Kavita Ladva (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 Kavita Ladva 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 representations had been received from the Sheffield Safeguarding Children Board and were attached at Appendix 'B' to the report.
- 4.5 Inspector Paul Ferguson referred to South Yorkshire Police's grounds for review, which were detailed in the report. He added that a further visit by PC Jonathon Greaves had been made to the premises on 1<sup>st</sup> July, 2013 in order to check the CCTV system, and it was found to be in reasonable working order, and that images could be accessed. He also commented that Tansy Bagshaw, the recently appointed Designated Premises Supervisor (DPS) had been very co-operative with the Police since her appointment, and had shown willing to work to

resolve any outstanding issues. Inspector Ferguson concluded by stating that there had been a history of crime and disorder at the premises over the years, and that the Police's efforts to investigate any of the crimes and incidents had been thwarted by the lack of an effective CCTV system. He also requested that, in order to ensure that the future operation of the premises complied with the licensing objectives, the suggested conditions, as detailed in the report and as attached to the proposed Action Plan dated 13<sup>th</sup> March 2013, be added to the Premises Licence.

- 4.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Matt Proctor and David Greenall, Inspector Paul Ferguson stated that, whilst it was difficult to compare crime and incident levels with other public houses in the area, on the basis that this was the only such premises in the centre of Darnall, there was a higher incident rate than other public houses in the surrounding area. A number of promises had been received from the Premises Licence Holder (PLH) and other former members of staff in connection with repairing or upgrading the CCTV system. Only recently, following the appointment of Tansy Bagshaw as the new DPS, had steps been taken, other than relating to the CCTV system, in an effort to ensure that the premises complied with the licensing objectives. Whilst an Action Plan had been drafted, with the co-operation of the premises management, the actions set out in the Plan were not enforceable, and the Police wanted these actions formalised. The concerns raised by the Police in connection with the operation of the premises prior to 13<sup>th</sup> May 2010, when the initial Action Plan was put in place, included failed test purchase operations and a number of calls made to the Police for assistance with the ejection of drunken customers from the premises. At this point, Julie Hague referred to an incident whereby a woman had visited the premises with her very young family, and one of her children was found wandering, unaccompanied, outside. Former members of staff of the premises had made a number of false promises in terms of making improvements, specifically relating to the requirement to install an effective CCTV system, which had been particularly frustrating for the Police as the various Action Plans had been agreed and signed by such members of staff. It was the Police's contention that an effective CCTV system at the premises would have helped them with their investigations into the various incidents of crime and disorder at the premises. He expressed specific frustration in terms of a robbery at the premises on 16<sup>th</sup> March 2013, where allegations had been made of a member of staff being tied to a chair whilst the premises were robbed, and the lack of CCTV resulted in there being insufficient evidence for the Police to investigate the incident. In terms of the premises' CCTV system, Inspector Ferguson read out a report of Dene Tinker, Crime Reduction and Architectural Liaison Officer, South Yorkshire Police, dated 19<sup>th</sup> June 2013, which set out the position regarding all eight existing cameras. He added that PC Jonathon Greaves made a further visit to the premises on 1<sup>st</sup> July 2013, to review the system and to monitor any amendments made following the previous visit on 18<sup>th</sup> June 2013, and in the visiting officer's opinion, the system was deemed "adequate". It was confirmed that the majority, if not all, the issues set out on the revised Action Plan, had now been addressed by management staff and that David Greenall had been present at the meeting to discuss the Action Plan, on 19<sup>th</sup> February 2013. Inspector Ferguson also confirmed that the target set with regard to the installation of a new colour CCTV

system, as listed on the Action Plan dated 19<sup>th</sup> February 2013, was not met. In the opinion of the Police, there had been a lack of co-operation by David Greenall in connection with the requirement to install an effective CCTV system in the premises, despite the intervention and offers of assistance provided by Dene Tinker. The last serious incident at the premises was the robbery on 16<sup>th</sup> March 2013, and there had been no serious incidents since that date. The Police considered that steps had been taken by the DPS to improve the operation of the premises. The robbery on 16<sup>th</sup> March 2013, was reported to the Police by a member of the bar staff. There were currently no safeguarding children issues linked to the premises and the latest Action Plan was the one dated 13<sup>th</sup> March 2013. Inspector Ferguson confirmed that the Police were not recommending that the premises be closed, but wanted the 14 conditions, as attached to the Action Plan dated 13<sup>th</sup> March 2013, added to the Premises Licence. He also stated that he believed that all 14 conditions were achievable by the DPS. Inspector Ferguson confirmed that there had been no further failed test purchases at the premises following the failure on 23<sup>rd</sup> February 2012, with two successful test purchases being carried out since that date. In response to a query by David Greenall, relating to his co-operation with the Police, Inspector Ferguson stated that whilst he accepted that Dene Tinker had been on extended leave, for personal reasons, Mr Greenall had been given numerous opportunities to contact Mr Tinker to discuss issues relating to the CCTV system.

4.7 Benita Mumby, Licensing Manager, South Yorkshire Police, referred to the statement of Inspector Paul Ferguson and her own statement, dated 29<sup>th</sup> April 2013. She reported that the actions of both former and current members of staff of the premises had constituted a disregard for public safety and that the installation of an effective CCTV system would have assisted the Police in their investigations into the incidents at the premises. Ms Mumby referred to the number of requests made to the premises management for an effective CCTV system to be installed and stated that she was also confident that the new DPS would take all the necessary action required by the Police to ensure the effective operation of the premises. There would still be a requirement of the Police to work closely with the PLH and DPS in terms of the future operation of the premises and consequently, to minimise the pressure being placed on Police resources in terms of their attendance at incidents at the premises.

4.8 Julie Hague made representations on behalf of the Sheffield Safeguarding Children Board (SSCB), indicating that her concerns were similar to those of the Police, in that they related to the level of competence of former staff of the premises, and she also requested that the suggested conditions, as attached to the Action Plan dated 13<sup>th</sup> March 2013, be added to the Premises Licence. Following visits to the premises, Ms Hague had noticed that there were no facilities for children and, in the light of the history of crime and disorder at the premises, had serious concerns regarding the fact that, under the present conditions of the licence, children could gain access to the premises. She stated that, during the past three years, she had visited the premises in response to the various management changes and incidents at the premises, and had attempted to work with staff, but they had not always been co-operative. The Action Plans drafted with the co-operation of staff had not always been fully complied with and had to be issued repeatedly. There had been no consistency in terms of

safeguarding policies and there were no mandatory safeguarding systems in place. Ms Hague also made reference to the improvements made since Tansy Bagshaw was appointed DPS but, despite her co-operation, the SSCB still remained concerned, particularly if Ms Bagshaw was to leave the premises. She concluded by stating that if the Sub-Committee was to allow access by children to the premises, there would be a need for a number of conditions relating to safeguarding children to be added to the Premises Licence, with a specific requirement for a designated area for children.

- 4.9 In response to questions from Members of the Sub-Committee, Julie Hague stated that she was satisfied that Tansy Bagshaw had taken her responsibilities with regard to safeguarding children very seriously and that, if all the suggested conditions were added to the Premises Licence, she would be more than happy for children to access the premises. She stated that some of the problems experienced in connection with the premises were as a result of the lack of co-operation from David Greenall.
- 4.10 David Greenall stated that, although he owned the premises, he had very little to do with its day-to-day operation. He referred to the past problems, which had mainly been caused by the actions of the two previous Designated Premises Supervisors. Following the termination of Chris Dean's lease, Mr Greenall leased the premises to Andy Roberts and whilst things appeared to run satisfactorily at first, problems started and, due to problems with regard to issues on the Action Plan not being implemented, and a number of suspicious burglaries at the premises, Mr Roberts' lease was terminated. He then employed Tansy Bagshaw as the new DPS, and since the appointment, things had improved dramatically. Tansy Bagshaw added that, since her appointment, she had noticed a number of improvements in terms of the operation of the premises, and that she had done everything she had been asked to do in terms of the issues included on the Action Plan. Ms Bagshaw stressed that she did not wish to be punished for the actions of former members of staff.
- 4.11 In response to questions, Mr Greenall stated that, in terms of the recruitment process regarding previous tenants, Chris Dean had bought the lease from a previous leaseholder, and was not his choice of tenant. The next tenant, Andy Roberts, appeared satisfactory at first, but problems started occurring, which were believed to have been caused by the pressure of the job. Mr Roberts was known to Mr Greenall, as he had done some painting and decorating work for him in the past, so he was aware of his character. In terms of the pressures being placed on Police resources, in having to attend to the premises to deal with incidents on a number of occasions, the majority of these incidents were caused by the same person who now, following the actions of the present DPS, was no longer allowed in the pub. Mr Greenall stated that he would only get involved in the operation of the premises when requested by the tenants, such as when any works were required. He confirmed that he did have an element of resistance in terms of the repeated requests for him to install an effective CCTV system at the premises on the grounds that he did not like, and felt pressured by, the manner in how a Police Officer was requesting him to undertake such work. He accepted that there was a considerable amount of crime in the area, and that having an effective CCTV system in the premises would be of assistance to both himself and the Police, and

for this reason, paid for a system to be installed in 2011. He did accept, however, that such a system was not very effective. In terms of the suggested conditions, he stated that the majority, if not all, were being adhered to at the present time, therefore he had no objection to them being added to the Premises Licence. Mr Greenall confirmed that he was the PLH with effect from 14<sup>th</sup> September 2011, but was not able to confirm whether he had attended the meeting on 30<sup>th</sup> November 2011, to discuss the matter of CCTV at the premises, following two reports of assault at the premises on 4<sup>th</sup> and 6<sup>th</sup> November 2011. The pressure on him to install an effective CCTV system at the premises started in early 2013, following a meeting with PC Gillian Parker. He accepted that the CCTV system he installed was not effective to the extent that it did not cover the exterior of the premises. An eight camera system had been installed in the premises around six weeks ago. Mr Greenall did not believe he was provided with any details, in terms of the required specification of the system, at the meeting held on 30<sup>th</sup> November 2011. He accepted that there was a high level of crime in the area, particularly burglaries, and that in retrospect, he should have followed the Police's advice regarding the required specification for a CCTV system at the premises. He stated that part of his resistance to the Police's requirements centred around resentment from a number of customers, who did not want such a system in the pub, which had culminated in a monitor being stolen and some of the leads taken out of the monitors. Mr Greenall confirmed that such actions had contributed to his resistance to installing a new system as he had to consider his business interest in the premises, which included the views of a number of regular customers. Mr Greenall accepted that having images captured on a CCTV system in respect of the large-scale fighting inside the premises on 27<sup>th</sup> January 2013, and the assault and robbery on 16<sup>th</sup> February 2013, would have assisted the Police in making their investigations into the incidents. In response to the allegations made in terms of Mr Greenall being obstructive and unhelpful to the Police and Julie Hague, he stated that he could not recall behaving like this, and that as far as he could recall, he had not been unhelpful. In terms of his responsibilities regarding the licensing objectives, Mr Greenall stated that he would work with the DPS to ensure that all licensing conditions were met. Mr Greenall confirmed that he had read the Action Plan dated 13<sup>th</sup> March 2013, and that he had been present at the meeting when it had been discussed. He also confirmed that all the issues set out in the Plan had been addressed. He accepted the Police's request for all the suggested conditions set out on the Action Plan, together with the additional condition suggested by Julie Hague, relating to the designation of a specific area in the premises for children, to be added to the Premises Licence, and that he would ensure that those conditions were implemented, if not already the case. He stated that the plan was to attract more families to the pub, therefore the condition regarding the designated children's area would be welcomed. In terms of the CCTV specification, as requested by the Police, Mr Greenall could not confirm that he had received this, despite the fact that he had signed to confirm that he had been present at the meeting on 19<sup>th</sup> February 2013, when such a specification was provided. It was stated that for a period, mail addressed to Mr Greenall, and which had been received at the premises, was not passed on to him. In terms of the efforts made by Dene Tinker, in connection with offering assistance and advice in terms of the CCTV system, and the allegations of Mr Greenall having a "negative attitude", he stated that he could not recall this, but added that he had been ill for the last few

months, so this could have had an effect on his behaviour. Mr Greenall confirmed that he was aware of the recent Home Office guidance regarding CCTV in licensed premises, but was not familiar with all the detail. He stated that, although it was Andy Roberts' intention to apply for the post of DPS at the premises, as well as promising to attend all the relevant training courses, this did not materialise and he could not provide an explanation as to why this was the case. Mr Greenall stated that, if Ms Bagshaw was to resign as DPS, he would ensure that her replacement had undertaken all the relevant training courses and would not employ them unless they had done so. In terms of the receipt of correspondence from the SSCB, Mr Greenall indicated that he could not recall receiving any specific information, but accepted that he must have received e-mails as there was proof of them being sent. He stated that the only information he had received in terms of the operation of the premises prior to 2011 was what the previous tenants had told him.

- 4.12 Matt Proctor outlined the options open to the Sub-Committee.
- 4.13 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.
- 4.14 Kavita Ladva reported orally, giving legal advice on various aspects of the 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 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 Terminus Tavern, 150a Main Road, Darnall, Sheffield, S9 5HQ, by the addition of the following conditions:-
- (a) The DPS to become an active member of "Sheffield Licence Watch" and any localised sub groups, and to attend all meetings unless this is impractical after taking all reasonable steps to do so.
  - (b) The Challenge 25 procedure to be operated by all staff and all systems to be in place, as set out in the multi-agency guidance "Criteria for a Recognised Proof of Age Scheme".
  - (c) All staff to be trained to operate the scheme set out in 2 above. Content of the training is to comply with the recommendations set out in the "Criteria for a Recognised Proof of Age Scheme", including maintenance of staff training records. Staff training records to be available to the responsible authorities on request. This includes a refusals log.

- (d) To display relevant posters and information relating to the supply of alcohol to underage customers in prominent positions that are visible both inside and outside the premises and at the point of sale.
- (e) A colour CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times the premises are open. CCTV images will be stored for 28 days. Police will be given access to, and copies of, images for purposes in connection with the prevention of crime and disorder.
- (f) A policy will be operated to prohibit access to the internal and external areas of the premises to persons under the age of 18 years after 17:00 hours daily.
- (g) Signage indicating restrictions to children's access to the premises must be displayed.
- (h) An incident book must be maintained and be made available upon request for inspection by the reasonable authorities under the Licensing Act 2003. This book should record the discovery and disposal procedures in relation to substance misuse paraphernalia.
- (i) Zero tolerance posters/signage regarding drugs to be prominently displayed throughout the premises.
- (j) Throughout the opening hours, staff will patrol all public areas at the premises at a minimum of once per hour, including toilet areas to monitor the environment for drug use/dealing, dangerous or inappropriate behaviour. Incidents will be recorded in the incident book and any criminal behaviour will be reported to the police. Signage will be displayed on toilet doors to indicate that regular checks are being made.
- (k) A Children's Safeguarder will be assigned at the premises. This person must attend the training provided by the Sheffield Safeguarding Children's Board and comply with the guidance issued by Board.
- (l) A Children and Young People's Risk Assessment must be completed in writing and retained as part of the premises management's due diligence records. A risk assessment tool has been provided. Risks identified in this process will inform the premises policy regarding access to children, prior to 17:00 hours.
- (m) All drinks will be decanted into polycarbonate vessels prior to being taken outside for consumption.
- (n) Staff will familiarise themselves with details of the violent incident protocol and this will be used as appropriate with immediate effect.
- (o) Drinking outside the front of the premises must cease and chairs must not be taken out of the pub to the front pavement by customers and staff.

- (p) There will be a designated children's area approved by the SSCB and Health Protection Service.

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