

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 October 2014

PRESENT: Councillors David Barker (Chair), Olivia Blake and Jack Clarkson

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

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 TIMBERTOP, 334 SHIRECLIFFE ROAD, SHEFFIELD S5 8XD

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 Timbertop, 334 Shirecliffe Road, Sheffield, S5 8XD.

4.2 Present at the meeting were Benita Mumby, Craig Charlesworth and Lizzie Payne (South Yorkshire Police, Applicant), Simone Wraith (Manager), Deborah Potts (Designated Premises Supervisor), Berwick Ulcena (Licence Holder, The Timbertop), Julie Hague (Sheffield Safeguarding Children Board), Matt Proctor (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Marie-Claire Frankie 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 Sheffield Safeguarding Children Board, and were attached at Appendix "B" to the report.

4.5 Benita Mumby stated that since February this year, there have been several reported incidents of assault and drugs usage/dealing at the premises, and although there has been several visits made to the premises by the Police, due to the changes in management and apparent lack of concern over adhering to the conditions of the licence, there would appear to be no improvement in the management of the premises. She added that there would appear to be no consistency in managing the premises and this was the main cause for concern.

Benita Mumby further stated that Police Officers had visited the premises in September and there was a smell of cannabis in the car park and also traces of cocaine were found in the toilets.

- 4.6 Julie Hague stated that the Sheffield Safeguarding Children Board (SSCB) had a long history of attempting to engage with various premises managers of The Timbertop in an attempt to achieve a culture change with the aim of making the premises suitable for children. Ms. Hague stated that despite attempts to advise, work with and support the premises management, there was evidence of safeguarding concerns which were still unaddressed. Ms. Hague further stated that there appeared to be a revolving door of managers which led to instability, and felt that it was too early to assess the new Designated Premises Supervisor. However, Ms. Hague did state that there had been better co-operation from the new management and that they had attended meetings of the SSCB.
- 4.7 In response to questions from members of the Sub-Committee, Julie Hague stated that she had received better co-operation from the new management, and given time and training, it might be possible to turn the business round and make the premises more family friendly and provide a safe environment for children and young people to attend family events.
- 4.8 Berwick Ulcena stated that since the change of management he has accepted full responsibility for the running of the premises. He added that he, along with the DPS and the Manager are trying to be stronger in dealing with troublesome customers and are barring the known offenders from entering the premises. He added that when he first took over the running of the business he did not understand the culture of the clientele, but has since studied the demographics of the local community. He went on to add that they had employed doorstaff, but this had proved to be costly and so was now trying a different approach. He stated that he had spoken to young people in an attempt to get them to understand what is acceptable within the premises and what is not. He further stated that most of the customers now are over 40 years of age. Mr. Ulcena went on to add that it was his intention to fully co-operate with the Police if incidents occurred both inside and outside of the premises.
- 4.9 In response to questions regarding the drugs policy in the premises, Deborah Potts (DPS) stated that notices are display all around the premises regarding zero tolerance to drugs, preventative measures have been carried out in the toilets and checks are carried out regularly. Ms. Potts further stated that if anyone looked suspicious on entering the toilets, they were asked to leave the premises. She also added that the erection of a gate to the car park was under consideration which she felt would prevent members of the public coming into the car park to deal drugs. Ms. Potts further added that she had a lot of experience working in public houses with similar customers to The Timbertop and feels that she is more experienced than previous managers.
- 4.10 In response to further questions from members of the Sub-Committee, Mr. Ulcena stated that he was constantly checking to see if those persons who have been barred are not attempting to come back and was constantly communicating with customers for their support at keeping undesirables out. He stated that the

premises has large function rooms which could be used for community events, local football teams, parties etc., and with the co-operation of his customers, it would be possible to create a family friendly pub.

- 4.11 Simone Wraith referred to a recent incident when she heard fighting outside the premises and rang for the Police to attend straight away. She added that there are six members of staff and that she aimed to be present for the majority of the time, although it was impossible to be there during all hours of trading. Ms. Wraith stated that the busiest periods were at teatimes and from 9.00 p.m. until closing time, but even then there are not many customers.
- 4.12 In response to questions from South Yorkshire Police, Berwick Ulcena stated that at present it was not viable to employ doorstaff, but it was intended to fully co-operate with all Responsible Authorities and now that various training courses had been brought to his attention he would ensure that all staff were fully trained to deal with any occurrences. He further stated that so far he had done nothing, because he was unsure of whether the licence would be granted.
- 4.13 Benita Mumby summed up by saying that South Yorkshire Police were not trying to close the business down, but since the licence had been granted in June, there had been several breaches of the conditions and despite assurances, nothing had been addressed. She felt that there needed to be constant management.
- 4.14 Julie Hague summed up by stating that there was no evidence at this stage which suggested the premises were suitable to allow families and asked that conditions relating to children remain on the premises licence.
- 4.15 Matt Proctor reported on the options open to the Sub-Committee, as set out in the report.
- 4.16 RESOLVED: That the 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.
- 4.17 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.18 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.19 RESOLVED: That, in the light of the information contained in the report now submitted 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 Timbertop, 334 Shirecliffe Road, Sheffield S5 8XD as follows:-
- (a) the reduction of the opening times on Fridays and Saturdays to close at midnight;
 - (b) the removal of current Conditions 10 and 13 due to the fact that they are no

longer relevant;

- (c) the revision of Condition 9 to require that there are at least two members of staff, one of which is a Designated Premises Supervisor, to be present at all times;
- (d) the premises to carry out, and act upon, a crime and disorder risk assessment to be kept on the premises for inspection at all times; and
- (e) the premises join the Licence Watch Scheme and maintain regular attendance at meetings.

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