

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 2 November 2015

**PRESENT:** Councillors Geoff Smith (Chair), David Barker and Josie Paszek

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

- 1.1 No apologies for absence were received. Councillor Cliff Woodcraft 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 - VIPER ROOMS/VIPER LOUNGE, 35 & 35A CARVER STREET, SHEFFIELD, S1 4FS**

- 4.1 The Chief Licensing Officer submitted a report to consider representations against the interim steps taken by the Sub-Committee, under Section 53C(2) of the Licensing Act 2003, in respect of the premises known as Viper Rooms/Viper Lounge, 35 & 35a Carver Street, Sheffield, S1 4FS, following the decision of the Sub-Committee at its informal meeting held on 29<sup>th</sup> October 2015, to suspend licensable activities on Tuesday nights, in the light of information contained in the application received from Superintendent Sean Morley, South Yorkshire Police, for a summary review of the Premises Licence under Section 53A of the Licensing Act 2003.
- 4.2 Present at the meeting were Chris Reece-Gay (WoodsWhur Licensing), Paul Kinsey (Harewood Group), David Burgess (Designated Premises Supervisor, Viper Rooms/Viper Lounge), Matt Burdett, Andrea Marsden and Neil Mutch (South Yorkshire Police), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing
- 4.4 Andy Ruston presented the report to the Sub-Committee, referring specifically to the representations made by Paul Kinsey on 30<sup>th</sup> October 2015, against the interim steps taken by the Sub-Committee.
- 4.5 Inspector Neil Mutch outlined the reasons behind the police's request for an

expedited review focusing on the incidents which had occurred predominantly on Tuesday nights, as set out in Superintendent Morley's application. He referred specifically to the more serious events, which had occurred on 30<sup>th</sup> September 2015, when two people had been stabbed. On 14<sup>th</sup> October 2015, there had been a number of incidents at the venue, resulting in both the police and ambulance service being called to the premises, following a number of assaults and someone being arrested for possession of a knife. When the police arrived, as stated in the witness statements provided by those police officers in attendance, they witnessed a very hostile crowd outside the premises, with a number of fights breaking out. The officers stated that, due to the numbers of people involved and the random acts of violence, they felt intimidated. Following this, the police met with the Designated Premises Supervisor (DPS) who, on the advice of the police, agreed to close the premises for a week and change the style of the events being held on Tuesday nights. The venue continued operating on other nights, with no more than the average number of incidents, but when it re-opened on Tuesday, 28<sup>th</sup> October 2015, there was a further serious incident, involving a female being 'glassed'. Again, from the witness statements from the police officers who attended on that night, there was a very hostile crowd, some of whom were being very threatening and were verbally abusing the officers. One of the officers investigating the incident regarding the female being 'glassed', also commented on how much glass there was on the floor inside the premises. The application for the summary review was submitted following this incident. Inspector Mutch stated that the trouble at the venue appeared to focus on the Tuesday nights and that there were generally no issues in terms of the management of the premises on other nights of the week. He stated that he was happy with the Sub-Committee's decision at the informal meeting on 29<sup>th</sup> October 2015, and had since met with the management of the premises. He concluded by stating that it was the police's view that the premises should remain closed on Tuesday nights for a reasonable period, to enable the management to have sufficient time to have a new focus in terms of events on that night.

- 4.6 In response to questions from Members of the Sub-Committee, Inspector Mutch confirmed that the Viper Rooms did not attract the attention of the police any more than any other of the venues in and around Carver Street on any other night of the week, but Tuesday nights were seen as a particular problem, with people from out of the City known to come to the events. Matt Burdett added that, at monthly meetings with licensees in the City Centre, the police had received requests for an increased police presence on Carver Street on Tuesday nights. The premises' management had been very responsive, both in terms of recent incidents and in general and, apart from the recent problems on Tuesday nights, the police had no concerns regarding the management of the premises. Although the venue had closed for a week, on the advice of the police, there had been a further incident on the Tuesday it re-opened. Whilst there was a larger police presence in the City Centre on Friday and Saturday nights, due to the cuts in the police budget, they were not able to provide such a presence during the week, and operated more on a response basis. Although the police were confident and comfortable with the venue's admission and safety procedures, they still considered that the only way to stop the problems on Tuesday nights was to change the clientele. In terms of customer searches, the nature of searches at the present time would not have stopped the knife being taken into the club by the customer on 14<sup>th</sup> October

2015, as it was concealed in his belt. The reason for the hostility of the crowd, as witnessed by the police, will have been due to alcohol to some extent, but it was also considered that there was an issue in terms of the attitude of people who attended on Tuesday nights. The police were reasonably confident that the incidents on Carver Street were linked to the Viper Rooms on the grounds that they had occurred around closing time. Whilst it was the police's view that the 'Risque' and 'Luau' events should be stopped, it was up to the DPS as to how the venue advertised or re-branded the new events to be held on Tuesday nights. It was the police's belief that if these nights were stopped, the problem would most probably disperse, and that the clientele would move elsewhere. The police considered that the venue should remain closed on Tuesdays for at least two weeks, in order to give the management sufficient time to re-brand the night and to put any necessary changes into place.

4.7 Chris Reece-Gay, on behalf of the Viper Rooms/Viper Lounge, provided a brief history of the venue, and reported on the present staffing structure. He stated that Paul and Andrew Kinsey had been in the licensed premises trade for a number of years, and that David Burgess, the present DPS, had held a Personal Licence for eight years, and had worked as DPS at the premises for two years, having run other bars throughout the country for the last 10 years. The venue had been operating on Tuesday nights for around five years. The venue had received awards at the Best Bar None Awards in 2014 and 2015, together with a hospitality award in November 2014. In terms of the incidents referred to by the police, Mr Reece-Gay stated that the stabbing on 30<sup>th</sup> September 2015, was a one-off incident, with nothing as serious as this having occurred at the venue previously. There had been no incidents on 7<sup>th</sup> October 2015, and on 14<sup>th</sup> October 2015, the management accepted full responsibility for the incidents and the trouble which had occurred on the grounds that the profile of the DJ on that night had recently grown, resulting in a bigger than expected crowd. It had been agreed that this DJ would not be used again at the venue, and that the management would take particular care in choosing what music would be played on Tuesday nights. Following meetings with the venue's management and the police, an action plan had been produced, containing a number of additional measures with regard to the venue's admissions policy, internal supervision and dispersal arrangements. Mr Reece-Gay stated that it was hoped that the implementation of the action plan would allow for the premises to re-open on 3<sup>rd</sup> November 2015, which would provide management with the opportunity of showing how the new arrangements would work. He requested that the Sub-Committee withdraws the conditions agreed, as part of the interim steps at the informal meeting on 29<sup>th</sup> October 2015, on the grounds that this would not allow the management to show how the measures would work. Mr Reece-Gay stated that he would be happy to accept the new measures, as set out in the action plan, as interim steps.

4.8 Paul Kinsey stated that the premises' management had, and always would, co-operate fully with the police and other responsible authorities in connection with the operation of the venue, and that he accepted that there was an issue on Tuesday nights which needed addressing. He considered that implementing the new action plan would be more appropriate than closing the venue on Tuesdays. It was company procedure that a member of staff at executive level would visit company venues on a regular basis to undertake inspection checks, although

there had not been any staff at this level in post during the last three months, which may have contributed to the problems. He accepted that on 30<sup>th</sup> September 2015, there had been customers in the venue, who should not have been there, and that on 28<sup>th</sup> October 2015, there were some customers, with NUS cards, whose behaviour was not up to normal standards. Mr Kinsey made it clear that they did not want to attract people who looked as though they could cause trouble, or resort to violence, in the venue, although he accepted this was not always easy. As proof of this, he circulated a photo of the assailant in connection with the 'glassing' on 28<sup>th</sup> October 2015 who, he pointed out, didn't look like someone who had behaved as she had. Mr Kinsey accepted that there was a need for a senior level of supervision, both inside and outside the venue, and was confident that the action plan would address this issue. He concluded by stating that the venue needed to remain open on Tuesdays, to allow management to implement, and review, the action plan.

4.9 David Burgess confirmed that, after the stabbing incident on 30<sup>th</sup> September 2015, management had implemented a revised search procedure following discussions with the police.

4.10 In response to questions from Members of the Sub-Committee, and the police, management believed that they had the capacity and expertise to implement the measures set out in the Action Plan if the venue was able to open tomorrow night. Arrangements had been made for trained and experienced staff, including a head doorman drafted from another venue to work inside the venue, and there were plans to train further staff longer-term. Following the recent incident at the club, management had fired one of the door supervisors, with another supervisor being given a final warning, and arrangements made for him to be retrained. The duties of door staff were generally split 50:50, in terms of inside and outside the premises. Earlier in the night, when more people were gaining entrance to the venue, more door staff were deployed at the entrance and when the majority of customers had been admitted, some of the door staff would move inside, then, at the end of the night, they would move outside. Some staff would stand on the pavement, on Carver Street if it was considered necessary. It had been accepted that there had been issues regarding the venue's security arrangements on 14<sup>th</sup> October 2015, and, although this was viewed as a one-off incident, it was accepted that there were too many people on the street. Whilst it was not always easy, the management made every effort, by employing and instructing experienced, well-trained staff, to be vigilant in terms of what kind of person they let into the venue. The management disagreed with the interim steps to close the venue as they believed they had taken sufficient steps, particularly with regard to identifying known troublemakers, and informing them that they would no longer be able to get in the venue. There were generally between nine and 12 staff on duty at the venue on any one night. The arrangements in terms of the VIP area in the venue involved customers, usually known to the venue's management, booking a table. The customers would receive waitress service and there would be a door supervisor checking customers entering the area. This was the only area where customers were able to drink from glasses, which comprised champagne flutes. Whilst it was envisaged that future events held on Tuesday nights would continue to involve admission by an NUS card, if there were any troublemakers or people the door staff did not wish to admit, even if they held an NUS card, they would be

refused admission. The door staff would also admit customers without an NUS card. The management wanted to create a light-hearted atmosphere, where people did not feel intimidated when entering the venue, and this would be reflected in terms of which DJs were used, and what music was played. Although consideration would be given to the future focus of events held on Tuesdays, it was believed that the recent problems were more to do with issues in terms of the venue's door policy, rather than the brand.

- 4.11 Inspector Mutch and Chris Reece-Gay summarised their respective cases.
- 4.12 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.
- 4.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the case.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That following consideration of the representations now made, the Sub-Committee determines that the interim steps imposed on 29<sup>th</sup> October, 2015, in respect of the premises known as Viper Rooms/Viper Lounge, 35 & 35a Carver Street, Sheffield, S1 4FS, be lifted and replaced with the following condition:-
- “The Premises Licence is suspended on Tuesday, 3<sup>rd</sup> November 2015 and, on reopening, the Action Plan be implemented”

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