

## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 27<sup>th</sup> March 2012**

**PRESENT:** Councillors John Campbell (Chair), Geoff Smith and Philip Wood

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 There were no apologies for absence received.

### **3. LICENSING ACT 2003**

#### **Summary Review of Premises Licence: Pinky's/ Amnesia, 52-54 West Street, Sheffield S1 4EP**

3.1 The Chief Licensing Officer submitted a report to consider a summary review of the licence for the premises known as Pinky's/ Amnesia, 52-54 West Street, Sheffield, S1 4EP, on the grounds of serious crime and disorder.

3.2 Present at the meeting were Marie-Claire Frankie (Solicitor to the Sub-Committee), Andy Ruston (Licensing Officer), Gillian Capewell (Democratic Services), Chris Grunert (John Gaunt and Partners, Solicitors), Nadia Niwaz (Manager, Amnesia), Tony Wang (Owner, Amnesia), Naomi Anderson (Operations Manager, Amnesia), Superintendent Martin Hemingway (South Yorkshire Police), Andrea Marsden (South Yorkshire Police), Julie Hague (Sheffield Safeguarding Children Board), Sean Gibbons (Health Protection Service) and Shiva Prasad (Health Protection Service).

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

3.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from the Health Protection Service and the Sheffield Safeguarding Children Board, and that the applicant was South Yorkshire Police.

3.5 Superintendent Hemingway addressed the Sub-Committee and outlined his concerns with the venue. He indicated that there had been problems with the venue in its previous incarnations, and that, as 'Amnesia' there were still indications that the bar had the potential to attract an undesirable crowd.

- 3.6 He provided a brief history of the club, commenting on the violence which had occurred in the venue when it had been known as 'Redstone', and the fact that the bar had been 'out of control', with management not in a position to run the premises in a satisfactory manner. Following a full review of the premises held on 30<sup>th</sup> December 2011, the venue had then reopened as 'Pinky's', but had not been a commercial success. The bar had now been redecorated and was known as 'Amnesia'. Prior to the planned opening night of Amnesia, the bar had been closed down on 1<sup>st</sup> March 2012 by the Licensing Sub-Committee, following intelligence received from Police, which had led to the hearing today.
- 3.7 There had also been concerns raised prior to the hearing that the proposed Designated Premises Supervisor (DPS), Alex Greenway, was known to the Police, and was not deemed to be a fit and proper person to be in such a position. However, it was confirmed that Mr. Greenway was no longer associated with the premises and that his application to become DPS of the venue had been withdrawn.
- 3.8 The Police had received intelligence just prior to the reopening of the venue in March 2012 as 'Amnesia', that known Organised Crime Gang (OCG) members from Sheffield and Manchester were expected at the venue for the opening night champagne party.
- 3.9 Superintendent Hemingway described to Members how intelligence was received, in that it was fed into his team via a very structured system of specialist intelligence officers, and that the intelligence received deserved a certain level of credibility. South Yorkshire Police had themselves acted on this intelligence and had deployed a specialist Police team to the City Centre to deal with any problems which may have occurred.
- 3.10 Superintendent Hemingway added that, although Mr. Wang had been difficult to contact in the past, this situation had now been rectified. He also added that the venue was still primarily a vertical drinking establishment, and the number of photographs submitted to Members showing the new seating installed at the venue was slightly misleading.
- 3.11 Superintendent Hemingway commented that the 'promotional protocol' set out in the submission by the bar management was very impressive and should be considered as 'best practice' for other establishments. He considered this to be a very positive way forward.
- 3.12 He stated that the application for Summary Review submitted on 1<sup>st</sup> March 2012 had been entirely justified, and he added that the intelligence flow around issues at the venue had remained undiminished since then.
- 3.13 Superintendent Hemingway commented that assurances had been made to the Sub-Committee in December 2011 that the club was to move away from the type of urban music it favoured, but that the venue was back in front of the Sub-Committee again only a few months later, having already

undergone one failed refurbishment, and still seemingly wanting to play urban style music.

- 3.14 Superintendent Hemingway clarified that many discussions had been held with the bar management about the problems with OCG members and their associations with the venue, and that, although some of the documents presented to the Sub-Committee were slightly rushed and amateurish in places, he felt reassured that the new management were attempting to take control of the premises. However, the fact remained that there were entrenched issues associated with the premises which were hard to fully eradicate. He cited examples of previous venues associated with this kind of disorder, who had never fully regained their status as reputable locations (such as Empire bar, Element, Niche, Fontana). He stated that, as long as a venue allowed OCG members to feel like they were 'in control' there, the problem would remain.
- 3.15 Mr. Gibbons then addressed the Sub-Committee, outlining his concerns over the premises. He commented that Mr. Wang had been difficult to contact and that there were ongoing concerns over some unresolved health and safety issues at the venue, including the disabled lift. Mr. Grunert presented a lift report from an engineer, and Mr. Gibbons clarified that this was not a certificate, it was only a report, and was not in a format that he was familiar with.
- 3.16 Mr. Gibbons added that he had raised his concerns initially in a letter to the premises on 16<sup>th</sup> December 2011, and that this had been served as an Improvement Notice. It was confirmed that all of these issues had now been resolved, but that the issue of the lift was still outstanding. Although a copy of the lift report was available at the meeting for Members to scrutinise, the actual lift certificate was still being held by the lift company, due to an unresolved financial dispute with Mr. Wang.
- 3.17 Mr. Prasad added that it was essential that robust management structures were in place at the premises, and that it was essential that the DPS of the bar was familiar with all the conditions of the venue's licence, so that the venue could not become over-powered by its clientele. Mr. Prasad also echoed his frustration with trying to contact Mr. Wang and being unable to reach him on his mobile phone. Mr. Prasad stated that it was essential to know who was in control of the premises and be assured that the management plan would be implemented in a satisfactory manner. He added that it was essential to know that funds could be released if necessary, in order to carry out essential works, repairs and improvements at the venue.
- 3.18 Ms. Hague then addressed the Sub-Committee, commenting that she had also been unable to make contact easily with Mr. Wang, and that there had been a lack of compliance with necessary staff training on child protection systems, with no representatives from the venue attending a training session which had been set up in February 2012. She added that there had been some concerns with the venue (when it had been known as

Redstone) that there had been vulnerable young women known to the Safeguarding Service in attendance at the premises.

- 3.19 Ms. Hague added that she had also offered in-house child protection training free of charge for the premises, but that this offer had not been taken up either.
- 3.20 Ms. Hague confirmed that there was no intelligence to suggest that there were links with vulnerable young women and the premises at present.
- 3.21 Mr. Grunert then addressed the Sub-Committee, commenting that he was not proud to be back before the Sub-Committee after just three months, but that an effective management structure was now in place at the premises, which comprised experienced members of staff, who had had no associations with the venue when it had been Redstone/ Pinky's.
- 3.22 He added that there had been a great deal of hard work taking place at the premises over the last few months to ensure that effective systems were in place and that the new team were ready for a 'fresh start'. Systems such as the 'promotional protocol' had been devised, and would be implemented immediately.
- 3.23 Mr. Grunert commented that there had been no violence or disorder associated with the premises since December 2011, although he accepted that the bar had not been open for many nights since then.
- 3.24 Mr. Grunert accepted that the bar management had not yet attended the safeguarding children training, and he committed to relevant staff attending the next possible training session organised by Ms. Hague. Mr. Grunert added that up to date contact details for both Mr. Wang and Ms. Niwaz had now been provided to all the relevant authorities. Mr. Grunert also accepted that the rebranding of the bar as Pinky's had not been a success, and that the new management was determined to improve things at the venue.
- 3.25 Mr. Grunert reported that an in-house DJ, Richie Williams, had been employed, who was known to the management and had an excellent reputation in Sheffield. He would play at the venue wherever possible. Mr. Grunert added that DJs previously hired to play at the venue such as DJ Law and DJ Infrared would not be used anymore. Mr. Grunert added that Richie Williams had played at other bars in the City and had attracted a good following.
- 3.26 Mr. Grunert stated that 'Safehouse', the security firm who would be used at the venue, had been given very detailed and specific instructions on the procedures that were to be put in place at the venue, including the operation of the Challenge 25 Scheme and thorough search policies, in particular for smokers re-entering the premises.
- 3.27 Mr. Grunert confirmed that, in terms of ownership of the business, Mr. Wang was a 90% shareholder, and Ms. Niwaz a 10% shareholder. There

was no DPS in place yet, but one would be sought immediately if the suspension of the bar licence were to be lifted.

- 3.28 Mr. Grunert stated that there was a clear chain of command now within the new management structure, and that the communication through the business would be a lot more effective. He stated that Mr. Wang would be a lot more involved operationally from now on, on the 'shop floor', and that the rest of the team brought with them a great deal of experience and expertise from previous work in the hospitality and catering industry. Ms. Anderson and Ms. Niwaz briefly outlined their experience, commenting that they had held positions of responsibility in busy city centre hotels, which had bars and restaurants attached. Mr. Wang clarified that he would be taking a salary from the business, and that he would be responsible for authorising repairs and maintenance expenditure.
- 3.29 Mr. Grunert confirmed that the new management had no desire to be involved with OCG members, and that they were extremely keen to disassociate the bar from this image.
- 3.30 Mr. Grunert commented that there had been no 'trigger' for this review, and that the new management should be allowed the opportunity to prove themselves in their new role.
- 3.31 Mr. Wang confirmed that his business address was registered as one of the flats at the Brew House in the Ward's Brewery complex on Ecclesall Road. He confirmed that this was a property owned by his family, and that his cousin lived there. However, Mr. Wang regularly collected his own post.
- 3.32 Mr. Wang said that he had spoken to Alex Greenway a few days ago, and then he corrected himself and said it was actually a few weeks ago, and he stated that he had advised Mr. Greenway that it would not be appropriate to have him as DPS at the premises, which is when Mr. Greenway's application was withdrawn.
- 3.33 Mr. Wang confirmed that all the health and safety guidance and staff operational guidelines were in place at the premises, and Mr. Gibbons commented that he would look over these documents in due course.
- 3.34 In summary, Mr. Grunert commented that the new management should be allowed the opportunity to prove themselves, and that there was a clear determination from the new team to move the business forward.
- 3.35 **RESOLVED:** That the public and press and attendees involved in the summary review 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.
- 3.36 The Solicitor to the Sub-Committee reported orally, giving legal advice on

various aspects of the review.

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

3.38 **RESOLVED:** That the Sub-Committee agrees to reinstate the licence for the premises known as Pinky's/ Amnesia, 52-54 West Street, Sheffield, S1 4EP, with the addition of the following conditions:-

(a) no licensable activities to take place at the premises prior to the receipt of a lift safety compliance certificate to be verified by the Health Protection Service;

(b) at least two members of the management team are to attend the next available session of Sheffield Safeguarding Children Training and successfully complete the course;

(c) no external promoters are to be used by the premises, including DJs, and there is to be no external promotion of the venue except by management;

(d) with regard to DJs playing at the venue; (i) a full background check must be conducted on all DJs playing at the premises prior to booking, and records kept of these checks; (ii) once booked, full details of the DJs, including name, address, date of birth and contact details, are to be obtained and these records kept for six months, along with details of dates on which these DJs played at the venue, and (iv) DJs booked to play at the venue are to be instructed not to promote events at the premises, and

(e) details of all security staff used by the premises, including name, address, date of birth and phone numbers are to be kept by the venue management for six months.