

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 9 January 2018

**PRESENT:** Councillors Josie Paszek (Chair), Lisa Banes and Neale Gibson

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

1.1 There were no apologies for absence.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, 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.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE**

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 53A of the Licensing Act 2003, for a summary review of a Premises Licence (Ref. No.159/17).

4.2 Present at the meeting were Cheryl Topham (South Yorkshire Police Licensing Officer), John O'Malley (South Yorkshire Licensing Manager), the Designated Premises Supervisor, joint owners of the business, an Interpreter acting on behalf of the owners, Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing.

4.4 Clive Stephenson presented the report to the Sub-Committee, referring specifically to the application made by South Yorkshire Police for a summary review of the Premises Licence, which had initially been considered by the Sub-Committee, at a meeting held on 13<sup>th</sup> December, 2017.

4.4 Cheryl Topham, on behalf of South Yorkshire Police, referred to the incident which had taken place on 11<sup>th</sup> December, 2017, indicating that the police had been called to the premises by door staff reporting that a man had entered the premises with a large knife and had attacked someone. The police were very quickly on the scene and the offender, who had been detained by staff, was arrested but the

police were unable to locate the victim. The police thought that with the large amount of blood present at the crime scene, the victim must have been seriously injured, but he was nowhere to be found and the police assumed he must have attended the hospital for treatment. The staff at the premises knew the victim as he had been there before and was able to give the police the victim's name and mobile telephone number. The police contacted the City Council's CCTV Team who widened the sweep of their cameras to search for the victim. Cheryl Topham stated that the CCTV equipment at the premises was of a decent quality but the management and staff were unable to download the images and an officer had to be sent to recover the footage. Ms. Topham further stated that since 2016, there had been three or four minor incidents at the premises, but the incident on 11<sup>th</sup> December was so serious as to trigger the review of the licence. Ms. Topham commented that knife crime was increasing and the police were working hard with owners of all licensed premises to take the matter seriously and to put in place preventative measures.

- 4.5 In response to questions from Members of the Sub-Committee, Cheryl Topham stated that a number of conditions on the licence already existed and the purpose of the review was to ensure that these conditions were adhered to and tightened up. It was reported that a metal detector had been installed on the premises and it was felt that this needed to be promoted so that potential customers were aware of it. The staff were aware that if a weapon was found on someone trying to enter the premises, they should safely try and confiscate it and call the Police. Cheryl Topham also stated that the victim, suspect and several witnesses appeared to be illegal immigrants, although this could not be attributed to the owners of the premises. It was reiterated that the CCTV equipment installed on the premises was of a good standard, but there was a need to re-assess it and ensure that all members of staff were fully trained on its use. Due to the fact that during a previous incident at the club, someone had tried to escape through the rear door, only the front entrance should be the main entrance/exit at all times. Cheryl Topham added that the premises were isolated in a developing student area which was not very well lit, although the CCTV cameras from the football ground opposite were excellent and were directed towards the corner of the street. John O'Malley suggested that the owners engage in the "Best Bar None" scheme where full training was given to owners and staff.
- 4.6 James Horne, on behalf of the owners of the premises, stated that the incident had been dealt with effectively and the offender detained by staff straight away. The staff had contacted the police and images had been captured by CCTV and made available which had enabled the police to prosecute the offender. The owners were shocked when the licence was suspended and agreed that more could be done to ensure the licensing objectives were fully adhered to, and had been proactive in working with the police to agree any further conditions which may be added. Mr. Horne referred to four additional conditions which had been agreed by both parties and were circulated at this meeting for approval.
- 4.7 The interpreter produced a plan showing the floor layout of the premises. He pointed out a reception area, bar and eight areas which had been divided into karaoke booths which customers could hire for up to two hours for private parties. He stated that CCTV was installed along the corridors and in every room and was

checked by SIA staff and any incidents would be reported to reception.

- 4.8 In response to questions from Members of the Sub-Committee and the police, it was stated that there was a medium turnover in bar staff who tended to be students and who were given a certain amount of training but the owners were willing to participate in the Best Bar None scheme where full training would be given to all staff. It was noted that the smoking area was at the front of the premises and to the rear there was a shared courtyard with a locked gate. Members and the police were concerned that the Designated Premises Supervisor was only at the premises twice a month and the owner for just a few days per week. The interpreter stated that generally, due to the premises not being in the city centre, customers rang up and pre-booked an area to hold a party.
- 4.9 Cheryl Topham and James Horne summarised their cases.
- 4.10 Clive Stephenson reported on the options open to the Sub-Committee, as set out in the report.
- 4.11 RESOLVED: That the 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 7 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.14 RESOLVED: That, in the light of the information contained in the report now submitted and the information now circulated, and the representations now made, the Sub-Committee agrees to modify the conditions of the licence as follows:-
- (a) at least two SIA registered security staff to be employed at the premises whenever it is open to the public. The entrance/exit is to be covered at all times ensuring that only guests or prospective guests who are booked in or are enquiring about booking in, are allowed entry;
  - (b) a booking form is to be used when taking a booking for the premises. A full name and contact number is to be taken at the time of booking and they will be advised that all guests will be subject to an ID check upon entry to the premises, in relation to being able to prove their age and identity if required. No one aged under 18 is allowed to make a booking. Records are to be retained for six months and made available for inspection if required;
  - (c) increased security checks on entry of both guests and prospective guests. Metal detector wands/knife arch to be used whenever the premises are open. Every person entering is to be searched by SIA staff. A “no search, no entry” policy to be put in place. Signage advising customers of this is to be on display;

- (d) a colour CCTV system to the specification of South Yorkshire Police to be fitted, maintained and in use at all times when the premises are open. The CCTV images are to be retained for 30 days and Police and Authorised Officers of the Council to be given access to images for purposes in connection with the prevention and detection of crime and disorder. There shall always be a member of staff at the premises, when open, who can access and download images from the system. A facial recognition camera will be utilised on the entrance;
- (e) as soon as practicably possible, a fully trained Personal Licence Holder must be present on the premises at all times the premises are open to the public;
- (f) the rear door to the premises to be alarmed and covered by CCTV; and
- (g) a recommendation that the premises participate in the “Best Bar None” scheme.

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