

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 1 February 2018

**PRESENT:** Councillors David Barker (Chair), Dawn Dale and Gail Smith

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

1.1 There were no apologies for absence. Councillor Jack Clarkson attended the meeting as a reserve Member, but was not required to stay.

#### **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. SUMMARY REVIEW OF A PREMISES LICENCE**

4.1 The Chief Licensing Officer submitted a report to consider an application for the summary review of a premises licence, made under Section 53A of the Licensing Act 2003, in respect of the premises now mentioned (Ref. No.11/18).

4.2 Present at the meeting were Chris Grunert (John Gaunt, Solicitors, for the Premises), the Operations Manager for the Premises, the General Manager of the Premises, James Ketteringham (Solicitor, South Yorkshire Police), Sergeant Matt Burdett (South Yorkshire Police), Ian Armitage (South Yorkshire Police Licensing Officer), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Clive Stephenson presented the report to the Sub-Committee, and it was noted that the application for the review had been submitted by South Yorkshire Police on the grounds that the premises were associated with serious crime and/or disorder.

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

4.5 James Ketteringham stated that the summary review was to address concerns, reduce risk and identify potential weak spots at the premises following an incident that had occurred on 1<sup>st</sup> January, 2018 when the premises had subsequently

been closed. Following discussions held between the Police and the owners, the Closure Notice was cancelled on 15<sup>th</sup> January, 2018 when a number of conditions were agreed between both parties. However, an incident had been reported since the premises had re-opened and, in his opinion, customers might feel that search policies and the lack of searching for weapons might go undetected. Mr. Ketteringham also felt that there was a significant risk to customers in relation to glass drinking vessels/bottles being used as weapons and requested a total prohibition of glass being used at the premises.

- 4.6 Ian Armitage stated that he had become aware of the incident that had occurred the previous week which had basically been “handbags stuff”. When he had visited the premises to view the CCTV footage, the Manager was already viewing the incident which, he informed Members, was the correct procedure and requested that, in future, if any further incidents occurred, that he contact the Police.
- 4.7 In response to questions from Members of the Sub-Committee, Matt Burdett stated that it was “work in progress” to try and get all clubs in the City to use polycarbonate and/or shatterproof glass, however most venues do use such vessels on a risk assessment basis, dependent upon certain events e.g. Christmas, tramlines etc. Ian Armitage stated that every Monday morning, his team views footage of incidents that had happened over the weekend and if anything had occurred, always tries to ascertain both sides of the story and build up good working relationships with the owners of pubs and clubs in the City. For example, due to the premises being on the radar following the event on New Year’s Eve, he wanted to have a clear picture of what had happened over last weekend. He stated that the incident had been reported over the phone as a “gang fight” inside the premises, when in fact it had been an altercation between two young men.
- 4.8 Chris Grunert stated that the incident on New Year’s Eve had started on the dancefloor and continued on the stairwell and, whilst he did not wish to minimise the incident, it involved a few young men out of hundreds that were inside the premises and, in reality, such things do occur, but this was the first serious incident at the premises since it opened 12 years ago. He stated that his clients had fully co-operated with the police and upheld the licensing objectives. He added that the ambulance crew picked up on the fact that a member of staff had mentioned the use of a knife, although it was still not known whether a knife had been used. Mr. Grunert further stated that on NUS nights, no glassware was used as it was felt that there might be more spillage and smashed glasses caused by the younger clientele.
- 4.9 In response to questions from Members of the Sub-Committee, Chris Grunert stated that, although there was an I.D. scanner in place at the premises, it was patchy and the owners themselves were hopeful of something more advanced being developed. He added that on the night of the incident, the I.D. from the clients that was presented to the doorstaff, would not have indicated that they would have caused trouble and he did not feel that those involved came to the club looking for trouble. With regard to the use of glassware during the daytime, Chris Grunert felt that it was not necessary to use plastic glasses at lunchtime and

before midnight.

- 4.10 The owner of the premises stated that when the premises first opened, there had been a restaurant on the third floor but this had subsequently been altered to become the VIP area. He said that in 2015, the club had undergone a further refurbishment to rid of “vertical” drinking and more seating had been put in place. He added that the area had changed over the years and that there needed to be strong dialogue with the police, especially with senior officers becoming more involved. He further stated that members of Pubwatch share intelligence at their meetings and this could be shared with senior officers if they attended such meetings.
- 4.11 Clive Stephenson reported on the options open to the Sub-Committee, as set out in the report.
- 4.12 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 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.13 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.15 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made, the Sub-Committee agrees to remove the modified conditions imposed by the Sub-Committee on 15<sup>th</sup> January, 2018 and impose modified conditions of the premises licence (Ref. 11/18) as follows:-
- (a) a minimum of 1 in 5 customers, or such other frequency as agreed between South Yorkshire Police and the premises’ assessment of risk, to be searched upon entry by both wand and pat down. This will include and private functions, if general members of the public can gain access to the event staging area. Private functions will be exempt from this condition where movement between the private area and public parts of the premises is managed and monitored, and the venue has conducted its own risk assessment on that event and its clientele;
  - (b) all searches to be conducted in an area that is lighted and covered by CCTV prior to entering the main area of the venue, ideally the lobby;
  - (c) from 21:00 hours, or such earlier hour as informed by the premises’ assessment of risk, the venue will employ a minimum of 1 member of SIA staff from opening and thereafter 1 additional member of staff per 100 customers
  - (d) the venue will have 2 working wands on the main entrance and 1 on the

side entrance to assist with searching on entry and re-entry if required at the external smoking area backing onto an adjacent car park. The wands will be used in conjunction with the search policy; if activated, security will conduct a more detailed search on that person under the CCTV search area. Any person refusing a search shall be refused entry and CCTV to be notified by CCRAC radio;

- (e) when SIA door supervisors are on duty, the venue will have at least one body worn camera with 4G streaming capability which will be used by SIA security on the door whilst the venue is open. The camera will be used to record incidents and ejections at the venue, and the venue will be required to save the images for 28 days, and make them available to the police upon request;
- (f) ID scanner to be in place and in full working order. The scanner shall be used in accordance with 'Challenge 25' and the management's assessment of risk, save for events agreed with South Yorkshire Police. The device may be used for, but not limited to, capturing details of large groups or parties at the discretion of the venue. Should the ID scanner be inoperative, because of malfunction or breakdown whilst the venue is open, South Yorkshire Police shall be notified via email, telephone or CCRAC radio that the unit is in disrepair. The venue will seek assistance in its repair or replacement as soon as practicable;
- (g) when trading beyond midnight, all drinks to be provided in polycarbonate/shatterproof glass drinking vessels. Glass bottles are to be decanted into polycarbonate/shatterproof glass drinkware, unless supplied in plastic PET bottles. By midnight, all non-permitted glassware shall have been removed and cleared away, with the exception of the VIP/Private area where:
  - (i) each booth/VIP area will be allowed 1 glass bottle per 3 customers at any one time;
  - (ii) glass bottles and drinking vessels will be supplied by table service only;
- (h) when in use, SIA security staff will be assigned to the VIP area to ensure glass bottles are not removed from the booths/suite. Staff training will include the management of glass within the VIP area; and
- (i) decanting shall not be required during private pre-booked events, such as corporate events, in accordance with the management's assessment of risk, and where movement between the private area and public parts of the premises is managed and monitored.

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