

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 9 September 2019

PRESENT: Councillors Karen McGowan (Chair), Roger Davison and Bob Pullin

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

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 - HEX, 4 QUEENS ROAD, SHEFFIELD S2 4DG

4.1 The Chief Licensing Officer submitted a report to consider an application made by the Health and Safety Enforcing Authority, under Section 51 of the Licensing Act 2003, for a review of a Premises Licence in relation to HEX, 4 Queens Road, Sheffield S2 4DG (Ref.79/19).

4.2 Present at the meeting were Sean Gibbons (Environmental Health Officer, Sheffield City Council), Julie Hague (Licensing Manager, Sheffield Children Safeguarding Partnership), Peter Clifton (Property Owner), Christopher Grunert (John Gaunt and Partners, Solicitor for the Premises), Gurnitnekh Rai (Premises Operations Manager), Jakob Plant (Premises Manager), Jayne Gough (Licensing Strategy and Policy 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 Jayne Gough presented the report to the Sub-Committee, and it was noted that representations had been received from Sheffield Children Safeguarding Partnership, and was attached at Appendix "C" to the report.

4.5 Sean Gibbons stated that, following an email he had received in January 2019 from South Yorkshire Police, which had expressed concerns regarding the nature of an event due to be held on 1st February advertising the use of bouncy castle, rodeo rides, gladiator duels and bouncy slides, a visit was made to the premises by himself and representatives of other Responsible Authorities. Mr. Gibbons said the Premises Management confirmed to him that no further events of this nature would take place as it had been deemed to be detrimental to public safety. Mr.

Gibbons added that he had numerous concerns regarding the electrical safety of the premises, damaged electrical sockets, and exposed cables hanging out of the ceiling, although these were deemed to be redundant. At the visit, Sean Gibbons asked for 100% of the electrical wiring to be tested by a competent electrician and that a satisfactory report be submitted to his service. Other concerns were the use of three laser lights, the management of asbestos, glass door panels which needed to be replaced with safety glass or fitted with safety film, damaged flooring and very poor state of repairs to the toilets. He further stated that, although he had asked for a copy of the asbestos report, this had only been shown to him digitally.

- 4.6 In response to questions from Members of the Sub-Committee, and the Solicitor for the Premises, Sean Gibbons stated that he was not disputing that the electrical works had been carried out by a qualified electrician, but his main concern was that only 25% of the electrical wiring had been tested and it was not anticipated that the full 100% testing would be carried out until five years' time. He felt that the general regulations should be applied to a commercial property of this type and that 100% electrical testing should have been carried out. Sean Gibbons added that although there were many problems with the building, the Premises Management had been very co-operative on every visit.
- 4.7 Julie Hague stated that in June, 2019, she had received a complaint alleging that during a wrestling match held at the premises, a 14 year old boy had been injured and he had not been fully clothed. Ms. Hague contacted the venue to ascertain what had happened. She was informed that the boy was not hurt and the performance had been "staged". She had also been informed that the child was licensed to perform under a licence issued by Bradford City Council and he was chaperoned by his trainer and his mother and was appropriately dressed in line with professional wrestling requirements. Following a meeting held at the premises in July, Julie Hague stated that the management of the venue had been very co-operative and had agreed to develop the safeguarding policies and would attend multi-agency safeguarding training.
- 4.8 In response to questions from Members of the Sub-Committee, Julie Hague stated that, following investigations, it was found that the show had been managed properly and there was no need to carry out checks regarding safeguarding as Bradford Council would have carried out the appropriate checks, therefore negating the need for Sheffield Licensing Service to do so.
- 4.9 Chris Grunert felt that the application for the review of these premises had been made due to concerns that had been raised by South Yorkshire Police with respect to events/promotions advertised at HEX. He said that following a visit by the Responsible Authorities, suggested improvements had been made to the premises, all of which have now been carried out. The electrical rewiring has been carried out by a competent electrician and the certificate for 25% of the wiring is compliant with the Regulations, broken plug sockets have been repaired, the floor has been replaced, the toilets are now of a suitable standard and the glass doors have been fitted with safety film. Mr. Grunert said that the owner has done everything required of him to make the premises safe and up to standard. It had been discovered after the event that the boy had not been issued a performance

licence by Bradford City Council but was instead performing under an exemption.

- 4.10 In response to questions from Members of the Sub-Committee, Chris Grunert stated that since the inspection that had been carried out in June, there were no outstanding issues at the premises. He said that the building was old and some parts of it were still in disrepair, but these were not accessible to the general public. With regard to the adult bouncy castles, he said that these were provided by a reputable company in Sheffield and reinforced to hold adult weight. It was further stated that, due to the premises being used as a nightclub, damage was expected on a weekly basis and the venue was checked every week and repairs carried out as necessary. In response to a question relating to the asbestos report only being available online, it was stated that it had now been emailed to the Health and Safety Enforcing Authority and the owner was awaiting re-inspection of the premises. Communication between promoters of events and the management of the premises was in place to ensure compliance with the safeguarding policy.
- 4.11 Sean Gibbons, Julie Hague and Chris Grunert summed up their respective cases.
- 4.12 Jayne Gough outlined the options open to the Sub-Committee.
- 4.13 RESOLVED: That the public and press and 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.
- 4.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.16 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 HEX, 4 Queens Road, Sheffield S2 4DG (Ref No.79/19), in accordance with the conditions agreed by the applicant and the Sheffield Children Safeguarding Partnership prior to the hearing, and also subject to the following:-

The asbestos report following re-inspection be produced to the Health and Safety Enforcing Authority.

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

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