

MEETING OF THE LICENSING SUB-COMMITTEE

held 5th July 2012

PRESENT: Councillors John Robson (Chair), David Barker, Neale Gibson and Ian Saunders

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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 No apologies for absence were received.

3. EXCLUSION OF THE PUBLIC AND PRESS

3.1 No items were identified where resolutions may be moved to exclude the public and press.

4. OBJECTION TO A TEMPORARY EVENT NOTICE - THE PLAZA, 68A SPITAL HILL, SHEFFIELD, S4 7LG

4.1 The Chief Licensing Officer submitted a report to consider a notice of objection submitted by South Yorkshire Police in respect of a Temporary Event Notice for 7th July, 2012, in respect of the premises known as The Plaza, 68a Spital Hill, Sheffield, S4 7LG.

4.2 Present at the meeting were Tinas Teklebrhan (Applicant), Solomon Gebremeskel and Fitsum Tesfazghi (accompanying the Applicant), Sergeant Craig Charlesworth and Benita Mumby (South Yorkshire Police, Objectors), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that the objection to the Temporary Event Notice was attached at Appendix 'B' to the report.

4.5 Sergeant Craig Charlesworth reported that the Police's objection to the Temporary Event Notice had been made on the grounds of crime and disorder and public safety. He stated that he had serious concerns regarding the applicant's ability to arrange a party at the premises and referred specifically to an incident at the premises on 30th October 2011, when someone was murdered at a similar event. The Police had met with

the applicant after the incident and it was obvious that there was a clear lack of understanding on the part of the applicant regarding her responsibilities in managing the premises, and she was advised to seek guidance from relevant Council officers. Mr Charlesworth referred to the Temporary Event Notice for the proposed party on 7th July 2012, indicating that in his opinion, there were insufficient safeguards to prevent potential incidents of crime and disorder, together with dangers to public safety. He referred specifically to the fact that there would be no professional door supervisors in attendance at the premises and stated that although incidents of crime and disorder in the Burngreave area had reduced slightly, the Police were concerned that this event may attract certain individuals who would cause trouble.

4.6 In response to questions from Members of the Sub-Committee and the applicant, Sergeant Charlesworth stated that the premises was situated in a row of shops and businesses known as The Plaza, and the main operating area of the premises was on the first floor which, as far as he was aware, comprised a café. He was not fully aware of any improvements which had been made following the closure of the premises after the incident on 30th October 2011, but the premises had received regular visits by local Police Community Safety Officers (PCSOs) and officers from the Police's Major Incidents Team. He stressed that the Police still had concerns regarding fire exits, poor lighting, the narrow staircase leading to the first floor, a lack of insurance and the fact that the applicant's husband, who was already in a vulnerable position following the previous incident at the premises, would have the responsibility of being the main door supervisor, without being a registered Security Industry Authority (SIA) door supervisor. In terms of the incident in October 2011, it was confirmed that the applicant was in charge of the premises at that time, although she had not applied for a Temporary Event Notice on that occasion. It was also confirmed that the murder had taken place inside the premises. Mr Charlesworth stated that although he did not personally visit the premises after it had reopened, following the incident in October 2011, a number of his colleagues had done so. There had been considerable communication between Police colleagues and Sergeant Charlesworth indicated that he had expected the applicant to contact him to discuss what systems needed to be put in place following the incident. The lack of such contact from the applicant had led him to believe that there was a lack of sufficient management of the premises. He also confirmed that he had not seen the new entrance door the applicant had fitted to the premises, but regardless of this, he was still not confident that the relevant measures were in place to enable the applicant to hold the party on 7th July 2012.

4.7 Tinas Teklebrhan stated that she was not aware that she needed to have applied for a Temporary Event Notice in respect of the event at the premises on 30th October 2011. She reported on the events which occurred on that day, including the involvement of her husband, who was acting as the door supervisor at the event. She stated that she had accepted that there was a need to improve things in terms of the operation of the premises, and had undertaken considerable refurbishment works,

installed CCTV cameras both inside and outside the premises, and had a new inter-locking door installed, which enabled people in the premises to see who was arriving. She confirmed that the premises were currently operating as a community centre, and not a café, and sold hot and cold drinks. In terms of contact with the Council, as recommended by the Police, Mrs Teklebrhan stated that she had tried to contact a Planning Officer for three months, but had received no response. She eventually made contact with them after they rang her back, following a conversation with Sergeant Craig Charlesworth. She confirmed that there was an adequate fire escape at the premises and stated that her husband would be willing to carry out any additional refurbishment works that were required. She considered the public safety of her customers as very important.

- 4.8 In response to questions from Members of, and the Solicitor to, the Sub-Committee and the objectors, Mrs Teklebrhan confirmed the improvements had been made to the premises since it had reopened after the incident on 30th October 2011, indicating that she was happy to take advice on any other further improvements required. She stated that the main entrance to the premises was on Spital Street and that there was a fire exit to the rear of the premises. She had taken on the operation of the premises on 1st June 2011. She would open the premises at approximately 9.30 am and close anytime between 9.00 and 11.00 pm. She would usually have up to 30 customers a day. Fitsum Tesfazghi stated that the proposed party on 7th July 2012, had been arranged for a number of former friends/students, a number of whom had attended the same school in their home country of Etria. The friends organised a party each year, with previous events being held in Leeds, London and Manchester. He stated that he knew about half of the people who attended the events as they went to the same school in Etria. Some of the guests had been invited on Facebook, with a number of them having replied to confirm whether or not they would be attending. They had based the figure of 30, in terms of people to be invited to the event, on numbers who had attended previous parties and Mr Tesfazghi confirmed that he would know or be familiar with all the people invited. He stated that anyone they didn't know would not be let in. Mrs Teklebrhan stated that there was a shutter door which fronted on to Spital Street, which was open at all times the premises were open, and there was a security door at the top of the stairs, which could be controlled by staff in the premises. The applicant, her husband and her son would be monitoring people who came into the premises for the party. The premises had not had the relevant Risk Assessment undertaken. In terms of the incident on 30th October 2011, Mrs Teklebrhan stated that on the basis that her husband was watching the alleged murderer very carefully after he had returned to the premises, he did not have enough time to contact the Police. She stated that if any trouble had started, she would have contacted the Police immediately, but as the incident had happened so quick, it did not give them time to ring the Police. In terms of dealing with any gatecrashers on 7th July 2012, she stated that they would be watching who was entering the premises using the CCTV camera, and would ensure that the door was locked if someone they didn't know or didn't want to let in

was trying to gain entry. People attending the party would only be able to gain entry and exit the main room through the security door, which would be controlled by the applicant and her family, so they would be able to keep a close check on who was coming and going. They would keep a record of the number of people in attendance. If any more than 30 people attend the event, it will be made clear to them that they will not be allowed to enter the premises. Mrs Teklebrhan would explain the fire safety arrangements to all people in attendance at the party on arrival. In terms of the fire exits, she stated that there was a wooden door, with an electronically-operated shutter door behind. She could not provide a clear explanation as to how the fire door would be opened if there was some problem with the electrics, although she did indicate that the fire door could be left open, which would mean that people would be able to access the premises through the door at all times during the event.

- 4.9 **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.
- 4.10 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.12 **RESOLVED:** That the Sub-Committee agrees that the applicant be issued with a counter notice in respect of the Temporary Event Notice for 7th July, 2012, in respect of the premises known as The Plaza, 68a Spital Hill, Sheffield, S4 7LG, as it considers it necessary on the grounds of public safety and the prevention of crime and disorder.

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