

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 4 April 2013

**PRESENT:** Councillors John Robson (Chair), Nikki Bond and Geoff Smith

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

- 1.1 There were no apologies for absence. Councillor Ian Saunders attended the meeting as a reserve Member but was not required to stay.

#### **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 - THE TIMBERTOP, 334 SHIRECLIFFE ROAD, SHEFFIELD S5 8XD**

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the review of a premises licence made under Section 51 of the Licensing Act 2003 in relation to the premises known as The Timbertop, 334 Shirecliffe Road, Sheffield S5 8XD
- 4.2 Present at the meeting were Bruce Gee (Premises Licence Holder (PLH)), Trevor Meeghan (Barrister for the PLH), Julie Hague (Sheffield Safeguarding Children Board), Sean Gibbons and Steve Pitts (Health Protection Service), Inspector Simon Leake (South Yorkshire Police), Sergeant Gayle Kirby (South Yorkshire Police), Andy Ruston (Senior Licensing Officer), Carolyn Forster (Solicitor to the Sub-Committee) and Jennie Skiba (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 application for the review, received on the 6<sup>th</sup> February, 2013 had been made by South Yorkshire Police in order to prevent crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
- 4.5 Sean Gibbons, Health Protection Service, stated that his Service had carried out an inspection of the premises following a visit by South Yorkshire Police where concerns had been expressed regarding the general disrepair of the premises. He referred to a letter which had been sent to SB Leisure Management Limited on the 2<sup>nd</sup> August, 2012 outlining items which required attention within 28 days of the

date of the letter. A further visit had been carried out on the 28<sup>th</sup> March, 2013 and there were still a number of items of disrepair still outstanding.

- 4.6 Sean Gibbons stated that the electrical safety certificate was not up to date and that a test should be carried out by a competent person. Also, the gents' toilets were not in full working order, there was a leaking roof in the function room and the push bar to the fire exit door did not work. He produced photographs of the external area to the premises which showed there were no suitable barriers fitted to prevent unauthorised vehicles accessing the car park, a gate to the barrel storage area was broken and there needs to be a gate fitted to the left side and rear of the car park in order to prevent children getting into the car parking area.
- 4.7 Members asked Mr. Gibbons a number of questions as to why the work had not been carried out, whether the debris could harbour vermin and who actually owned the site. Trevor Meeghan, Barrister for the PLH, informed the Sub-Committee that SB Management and a Mr. Khan owned the premises. He felt that Mr. Khan, as owner of the land, was probably the person responsible for the rubbish left there.
- 4.8 Julie Hague, Sheffield Safeguarding Children Board, then addressed the Sub-Committee. She stated that safeguarding concerns have been identified relating to the style and character of the premises which does not provide a suitable family friendly environment. She added that the Board had been involved with the premises for a number of years due to the pub's history of drug use/drug dealing which has continued despite a change of management. Julie Hague said that the current premises licence permits children until 4.00 p.m., although children may also be allowed on the premises if attending parties/functions. She stated that the pub is known to attract adults known to the Police as being associated with organised crime gangs, that there is drug use and drug dealing and violent assaults. Police evidence states that these incidences take place both inside and outside and in the car park, and these locations are accessed by children who are at risk of being exposed to criminality or people under the influence of drugs. She added that despite the enforcement of an action plan and the premises management having been advised to improve staffing levels and employ security staff, there had been no significant change and the premises failed to provide a suitable family friendly environment.
- 4.9 In response to questions from Members of the Sub-Committee, Julie Hague stated that the action plan had been put in place in theory but had not been carried out. She said that when she had visited the pub, there wasn't any security staff at the premises to remove undesirable customers and that whilst there doesn't seem to be a problem with under-age drinking, children were left unattended outside in the car park.
- 4.10 Inspector Simon Leake referred to the witness statement attached to the report at Appendix A. He referred to a number of visits made to the premises since July 2012. On the first visit on 12<sup>th</sup> July, the Designated Premises Supervisor (DPS) had informed the Police Officer present that there had been an increase in the number of incidents at the premises which he felt was due to another pub in the vicinity closing down and the main culprits were now using the premises as a base

for drug dealing.

- 4.11 Inspector Leake went on to say that the Police had carried out numerous licensing checks at the premises and on each occasion there was a strong smell of drugs present. There had been reports of noise nuisance and anti-social behaviour at the premises but when the Police investigated none of the complaints were taken any further. The DPS had told the Police that he was able to deal with incidents himself and didn't feel the need to call the Police and did not keep an incident book. The DPS had stated that there wasn't a problem with under-age drinking at the pub so therefore when asked to produce a refusals book, he said he did not keep one as there was no need.
- 4.12 In response to questions from Members, Inspector Leake replied that whilst organised crime is not run from the premises, people involved in such activities do frequent the pub. He said that, following conversations with the DPS, he is reliant upon the Police to deal with such matters. He added that the Police do not carry out drug raids on the premises due to resource constraints, but when visiting rely on risk assessment and seek the co-operation of the DPS and the management. Inspector Leake stated that the DPS or PLH were not always in a position to deal with trouble, he felt that the DPS was not of a strong character to deal with incidents and therefore felt there was a need for security staff to be employed at the premises.
- 4.13 Trevor Meeghan, Barrister for the PLH, said that the Timbertop was a struggling estate pub due to the fact that it is not heavily used. He said that to provide the security measures outlined would be a costly exercise and, in his opinion, unnecessary.
- 4.14 Bruce Gee, Premises Licence Holder (PLH) stated that in his opinion the Timbertop pub could continue to be run on a short term licence and if allowed to do so, would remain open for possibly another year. He stated that the repair costs to the premises had to be business-viable and to provide the security measures outlined at this meeting, the cost implications would be too great and the pub would close. He felt it was more beneficial to the local area to keep the pub open, as closing it would lead to the building being left unoccupied and becoming derelict.
- 4.15 In response to questions from Members of the Sub-Committee, Mr. Gee stated that in his opinion the DPS is a good manager but felt that he was not of a strong enough character to deal with troublesome customers. He stated that it was up to the DPS to decide how many members of staff were required to run the bar, dependent on the amount of customers using the premises. He added that the pub only tended to be busy on Fridays and Saturdays, but had very little customers during the week which did not warrant more than one member of staff working.
- 4.16 With regard to the outstanding work to the premises, Mr. Gee confirmed that, although the owner had been slow to address items which have been detrimental to public safety, he would now carry out the work. In response to questions relating to the front and rear of the premises being illuminated, Mr. Gee said that

the lights were there, but members of staff sometimes forgot to switch them on. The number of staff working at any one time impacted on whether anyone would be available to patrol the perimeter of the premises.

- 4.17 Mr. Gee outlined his experience gained over a number of years working in the licenced trade and how he would deal with the same issues faced by the DPS. He said training was given and admitted that he could have been more helpful to the DPS.
- 4.18 In summary, Inspector Leake said that having heard all the evidence presented at the hearing, he felt that there was a low level of criminal activity at the premises, he had no confidence in the DPS and stated that in his opinion, unless action was taken by the Sub-Committee, the problems at the premises would continue and there would be a further need for review by the Sub-Committee.
- 4.19 Ms. Hague summed up by stating that if children were allowed to enter the premises, their health and safety would continue to be compromised as the issue of drug use and violence had been apparent at the premises over a number of years, as had the issue of inadequate parent/carer supervision of children at the premises.
- 4.20 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.
- 4.21 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.22 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.23 RESOLVED: That the conditions of the premises licence for the premises known as The Timbertop, 334 Shirecliffe Road, Sheffield S5 8XD be modified as follows:-
- (a) the premises be closed with immediate effect until the electrical safety works have been carried out and a current satisfactory electrical certificate is made available for inspection by the responsible authority;
  - (b) Conditions 1, 2, 3, 4, 6, 7, 8, 11, 12 and 13 be enforced within three months;
  - (c) Condition 10 be removed as children shall not be permitted onto the premises at any time;
  - (d) all staff be trained to become Personal Licence Holders;
  - (e) external lighting to all areas should be organised by an internal timer clock;
  - (f) the outstanding works raised by the Health Protection Service be carried out

within 28 days of this meeting; and

(g) the Designated Premises Supervisor be removed.

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

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