

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 6 June 2013

**PRESENT:** Councillors John Robson (Chair), Neale Gibson and George Lindars-Hammond

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

1.1 No apologies for absence were received.

#### **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 - BAR AMBASADA PL, 308-310 LONDON ROAD, SHEFFIELD, S2 4NA**

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Bar Ambasada PL, 308-310 London Road, Sheffield, S2 4NA. The application had been considered by the Sub-Committee, at its meeting held on 13<sup>th</sup> May, 2013, and the hearing had been adjourned to allow further consultations to take place between the applicant and the Health Protection Service.

4.2 Present at the meeting were Justyna Maciejewska (Applicant), Jake Macinski (Applicant's partner), Sean Gibbons (Health Protection Service), Julie Hague (Sheffield Safeguarding Children Board), Matt Proctor (Senior Licensing Officer), Jayne Gough (Licensing Officer, Observing), Louise Slater (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Louise Slater outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from the Health Protection Service and Sheffield Safeguarding Children Board, and were attached at Appendices 'B' and 'C' to the report, respectively.

4.5 Sean Gibbons referred to the representations he made at the adjourned hearing on 13<sup>th</sup> May 2013, indicating that, although a plan of the layout of the premises had been submitted, he still had concerns regarding the layout and operation of the premises. He had met with the applicant after the hearing on 13<sup>th</sup> May 2013,

and the applicant had agreed to two conditions relating to the layout of the premises and further works required. He confirmed that, following a recent visit to the premises, works were progressing well and that he had also met with colleagues from Building Control, who had informed him that there were still a number of outstanding issues regarding building regulations. Officers had recommended the applicant to speak to her architect to ensure that the works were undertaken in accordance with the original plans. In connection with this issue, Mr Gibbons also recommended a further condition relating to the submission of a Building Regulation Completion Certificate.

- 4.6 In response to questions from Members of the Sub-Committee, Mr Gibbons stated that, whilst he still had some concerns, he considered that, in his opinion, all the issues raised by the Health Protection Service and Building Control were achievable. In terms of the concerns raised regarding the capacity of the premises and the flow of customers through the building, he confirmed that he was now satisfied with the seating capacity at 40 and maximum capacity of 60.
- 4.7 Julie Hague pointed out a correction to the name of the premises, indicating that it would be known as Bar Ambasada PL, as opposed to Bar Ambassador, as indicated in the paperwork. She referred to her initial concerns, raised at the adjourned hearing on 13<sup>th</sup> May 2013, relating to the difficulties in communicating with the applicant, but stated that she had now held detailed discussions with the applicant and had consequently agreed five conditions, which were set out in her representations. Ms Hague concluded by stating that she was now satisfied that there would be adequate safeguarding systems in place.
- 4.8 In response to questions from Members of the Sub-Committee, Ms Hague confirmed that she would now be withdrawing all her original objections as long as the five conditions now referred to were met. She also stated that she would be more confident after the applicant and other members of staff had completed the Safeguarding training on 17<sup>th</sup> July 2013. Ms Hague agreed with the proposed amendment to the wording of Condition 5 which she had proposed, which would now read 'There shall be no 18<sup>th</sup> birthday parties, functions or related events'.
- 4.9 Jake Macinski, on behalf of the applicant, stated that it was the intention to employ two Door Supervisors from 19:00 to 23:30 hours on Friday and Saturday.
- 4.10 In response to questions from Members of the Sub-Committee, Matt Proctor and Sean Gibbons, Mr Macinski stated that he had used the word 'probably', when referring to the planned security on the application form, as they were not aware of what arrangements they had to make at the time of making the application form. Following further consideration of this issue, including Police advice, it had been considered that Door Supervisors should be employed on Friday and Saturday, with consideration being given to hiring them on additional days if required. The days and times suggested at this stage was a decision taken by the management as these were likely to be the busiest times and there was likely to be less of a risk in terms of security issues during the week. In terms of the licensing objectives, Mr Macinski stated that there would be CCTV cameras on the premises, Challenge 25 would be in operation and bar staff would not serve any more alcohol to customers who appeared to be drunk, and were likely to

cause trouble. Door Supervisors would be employed when required, and would deal with any problems both inside and outside the premises and in connection with the protection of children, any under 16 year olds would have to be accompanied and supervised by a responsible adult. In terms of security issues when football matches were being shown, Mr Macinski stated that there would not be too many games shown, and would most likely attract Polish customers, therefore they did not expect any trouble. The intention was to show both Polish and English matches, as well as speedway and music. The management would take advice from the Police in terms of whether any additional security measures, including the hiring of Door Supervisors, were required during Sheffield United home games, when there were likely to be high numbers of football supporters wanting a drink, both before and after games. An arrangement had been made with the security firm that they could send staff as and when required. Mr Macinski stated that they had worked out the rough costs of providing door security and were satisfied that they would be able to afford such costs. Ms Maciejewska confirmed that she held a personal licence and, whilst she had worked in a bar in Poland, as well as in an Italian restaurant and at Mosborough Hall Hotel, this was the first licensed premises that she had managed. Mr Macinski stated that he used to own and work in a bar in Poland, in partnership with a friend. In terms of the showing of films, Mr Macinski stated that they had only included Monday and Wednesday on the application form on the basis that they had intended to show films on these two days only. He confirmed that he would continue to liaise with their architect in connection with the refurbishment works, and that they would undertake the necessary risk assessments in terms of the additional requirements regarding Door Supervisors.

- 4.11 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.
- 4.12 Louise Slater 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 public and press and attendees.
- 4.14 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Bar Ambasada PL, 308-310 London Road, Sheffield, S2 4NA, subject to the operating schedule, agreed conditions and the additional conditions now made as follows:-
  - (a) The applicant or their representative shall consult with the Health Protection Service in order to ensure that relevant works, as necessary, are completed to the satisfaction of the Service, towards public safety as the responsible authority;
  - (b) A minimum of 40 seating, with dining tables, shall be provided at all times,

with a capacity not to exceed 60 persons;

- (c) A Building Regulation Certificate shall be submitted to the responsible authority for public safety within a reasonable time period after the premises had opened for business;
- (d) The Challenge 25 Scheme must include a refusals register, signage must be displayed and staff training records must be maintained;
- (e) The Designated Premises Supervisor, or any other such responsible person, should be assigned to the role of Children's Safeguarding Co-ordinator. This person should act in compliance with the guidance and training provided by the Sheffield Safeguarding Children Board;
- (f) Children under the age of 16 years must be accompanied and supervised by a responsible adult at all times. The Children's Charter or similar signage will be displayed to help staff enforce this;
- (g) Persons under the age of 18 years must be off the premises by 21:00 hours, unless attending a private, pre-booked family type function, when the premises are closed to the general public;
- (h) There shall be no 18<sup>th</sup> birthday parties, functions or related events;
- (i) A minimum of two Door Supervisors should be employed at the premises from 19:00 to 23:30 hours, Friday and Saturday; and
- (j) A CCTV system, the specification being to the satisfaction of South Yorkshire Police, will be fitted, maintained and in use at all times whilst the premises are open.

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