

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 9 October 2014

**PRESENT:** Councillors Geoff Smith (Chair), Olivia Blake and Nikki Bond

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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 - TERMINUS TAVERN, 150A MAIN ROAD, SHEFFIELD, S9 5HQ**

4.1 The Chief Licensing Officer submitted a report to consider an application made by the Sheffield Safeguarding Children Board, under Section 51 of the Licensing Act 2003, for a review of the Premises Licence in respect of the premises known as Terminus Tavern, 150a Main Road, Sheffield, S9 5HQ.

4.2 Present at the meeting were Julie Hague (Sheffield Safeguarding Children Board, Applicant), Tansy Bagshaw (Designated Premises Supervisor, Terminus Tavern), PC Gillian Parker, Benita Mumby and Lizzie Payne (South Yorkshire Police), Matt Proctor (Licensing Enforcement and Technical Officer), Caroline Milson (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Caroline Milson 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 South Yorkshire Police, and were attached at Appendix 'B' to the report.

4.5 Julie Hague stated that the application to review the Premises Licence had been made under the core objective for the protection of children from harm under the Licensing Act 2003, on the grounds that, despite continued attempts to advise, support and work in partnership with the premises management, there was evidence that the safeguarding concerns at the premises remained unaddressed since the Sheffield Safeguarding Children Board (SSCB) last made representation as part of a review of the Premises Licence in July 2013. Ms Hague stated that since 2010, the SSCB had attempted to work in partnership with a number of

Designated Premises Supervisors (DPS) at the premises, to address persistent issues, which had involved providing advice, support and training, and which had involved Ms Bagshaw while in her current role as the DPS, and during the time she was General Manager at the premises in March 2013. At a meeting of this Sub-Committee held on 2<sup>nd</sup> July 2013, the SSCB had made a representation to the Licensing Authority, seeking an improvement to the way the premises was regulated, in order to promote the core objective for the protection of children from harm. The Sub-Committee modified the licence conditions to include a prohibition of persons under the age of 18 after 17:00 hours and requested a trained safeguarding co-ordinator to oversee complaints, a dynamic risk assessment and the use of a designated family area. These conditions had been set by the Sub-Committee in order to address persistent safeguarding issues relating to children and young people being exposed to dangerous or inappropriate adult behaviour, including criminal behaviour, intoxication, fighting and swearing, as well as a lack of supervision of children.

- 4.6 At that time, the SSCB was hopeful that with a range of licence conditions in place, the environment at the premises could develop into a suitable, family-friendly venue and with this aim, the SSCB continued to attempt to work in partnership with Ms Bagshaw, who had expressed a wish to apply, at a future date to this Sub-Committee, to relax the restrictions, if control and compliance could be evidenced. However, despite a significant level of support provided to Ms Bagshaw, including free multi-agency safeguarding training in April 2013, advice meetings and communications, and telephone discussions, Ms Hague stated that there was evidence that over the past year, the premises management had not met the core objective to protect children from harm. Ms Hague reported that Ms Bagshaw and one other member of staff had attended the free multi-agency safeguarding training, but no other staff members had taken up the offer. Ms Bagshaw had indicated that she would be willing to cascade the training to other staff members, but despite this, there were still safeguarding concerns. She referred specifically to the incident whereby a child was seen wandering in and out of the premises, and eventually wandering near a main road, a number of incidences whereby children or young people were seen wandering around the premises, unsupervised, after 17:00 hours and a 17-year-old girl witnessed serving at the bar on her own, without adequate adult supervision. Ms Hague stated that, in the view of the SSCB, the premises was not a family-friendly environment, there was nowhere safe for children and young people to sit or play, and the staff did not recognise their safeguarding responsibilities. Ms Hague concluded by referring to the CCTV recordings of activity at the premises, which had been provided to the SSCB on 16<sup>th</sup> June 2014, by South Yorkshire Police, and which showed evidence relating to safeguarding risks to children, which was not being adequately managed by the DPS or other staff members. The activity demonstrated a breach of licence conditions, a lack of due diligence and a disregard for the core objective for the protection of children from harm under the Licensing Act 2003, whereby children and young people could be observed to be wandering around the premises unsupervised, in keeping unsupervised young children loitering at the bar and being served by staff, or being left to stand alone in an unsuitable adult environment. The SSCB was concerned that, in the light of the style and character of the premises, and the management's lack of compliance with the licence conditions, children and young people would continue

to be at risk of harm unless positive was taken. Ms Hague stated that, due to the nature of the CCTV evidence submitted as part of the application, which included recordings of a confidential nature, the public and press should be excluded from the meeting to allow the Sub-Committee to view the recordings.

- 4.7 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 2 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.8 The Sub-Committee, together with Julie Hague, the representatives from South Yorkshire Police and Tansy Bagshaw, viewed the CCTV recordings, with the Police and Julie Hague referring to a document setting out a chronological list of incidents at the premises, which had been circulated to the Sub-Committee prior to the meeting.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the public and press.
- 4.10 In response to questions from Members of the Sub-Committee, Tansy Bagshaw and Caroline Milson, Julie Hague confirmed that the SSCB had been involved in working in partnership with the premises management and that, despite all the advice and guidance provided over the years, involving four different DPSs, there appeared to be a culture whereby the message regarding the Board's safeguarding concerns had not been fully understood by the management. Such intervention had involved Julie Hague talking to staff and customers at the premises in 2010, in connection with their responsibilities under the Licensing Act 2003. Ms Hague stated that, from experience, she believed that if children were not allowed on the premises at all, their parents would find alternative premises to drink and socialise. In addition to the SSCB's safeguarding concerns, PC Parker stated that the Police had concerns with regard to crime and disorder at the premises, and referred specifically to an assault on a female at an event at the premises on 7<sup>th</sup> May 2014, which was dealt with by the Police, and of which Ms Bagshaw had not been aware. Despite the condition relating to the requirement for the premises to have a designated children's area, and the continued monitoring of this by the SSCB, there was no aspiration at this stage, that the children's area would be used. If the Sub-Committee decided to add a condition not allowing children on the premises, it could result in a change of view on the part of both parents and the DPS. The last safeguarding training undertaken by the DPS and a colleague was the free safeguarding children training offered by the SSCB in April 2013, although a number of offers of training had been made for other members of staff, with Julie Hague offering to attend the premises to undertake such training to make it more convenient for staff members. Unfortunately, this offer had not been taken up. The SSCB or the Police did not have any evidence, or concerns, with regard to underage drinking at the premises. Also, there was no evidence or concerns with regard to any incidences of child sexual exploitation at the premises, although the SSCB and the Police viewed this as a potential risk. PC Parker confirmed that during a recent event held at the

premises, under a Temporary Event Notice (TEN), children were allowed on the premises after 17:00 hours, but should still have been in the designated children's area. Ms Bagshaw confirmed that she was aware of these arrangements as she had been informed by PC Parker on two occasions. Julie Hague confirmed that a 17-year old was allowed to serve behind the bar, but should be supervised by a responsible person, seeking permission from them to ensure that each sale was safe and legal. Ms Hague stated that, whilst it was appreciated that there may be instances at other licensed premises whereby young children were left unsupervised, due to the character of the pub, and the clientele, the SSCB had identified problems regarding the lack of supervision of young children at the premises over a number of years, which had not been witnessed at other premises. Ms Hague referred again to the incident in 2013, where a child, having left the premises, was found wandering near a main road. It was considered that the DPSs at other premises recognised the risks of young children being left unsupervised in their premises, and took the necessary steps to negate any serious risks to the children.

- 4.11 Ms Hague stated that, whilst there was no evidence of harm being caused to any children since Ms Bagshaw had become the DPS, the SSCB had serious concerns at the potential risk on the grounds that, in its opinion, there were no adequate safeguarding systems in place. There were particular risks to children when wandering around, inside and outside the premises, unsupervised. She stated that if adequate safeguarding systems were implemented at the premises, there was a possibility that some of the conditions could be relaxed, such as allowing children on the premises up until 19:00 hours. However, despite extensive intervention by the SSCB and the Police, there was no evidence to show that such procedures were being implemented. Ms Hague stressed that Ms Bagshaw had been informed of the dates of the safeguarding training for other members of staff on a number of occasions and that she had made an offer to attend the premises to provide such advice and training.
- 4.12 Benita Mumby made representations on behalf of South Yorkshire Police, indicating that the Police adopted a robust approach in terms of the monitoring of licensed premises and that, in respect of the Terminus Tavern, they had witnessed a breach of a number of conditions on the Premises Licence, namely young children being present on the premises after 17:00 hours, customers drinking outside, at the front of the premises and glass being taken off the premises. Ms Mumby also referred to a number of incidents relating to crime and disorder at the premises, one including the DPS being assaulted, and which had required Police intervention. She stated that whilst the request for a review of the premises had been made by the SSCB, the Police had supported the request. She stated that decisions to request reviews were taken very seriously and every attempt possible was made to resolve the issues first, prior to such a request being made. Ms Mumby concluded by stating that, despite extensive support from both the Police and the SSCB, the DPS had continued to breach the conditions of her Premises Licence.
- 4.13 In response to questions from Members of the Sub-Committee, and Caroline Milson, Benita Mumby stated that some of the incidents referred to had occurred during the afternoon and early in the night, therefore there was a potential for

young children being put at risk. The reason for the Police visiting the premises on 13<sup>th</sup> April 2014, as shown on the CCTV recordings, had been as a result of a call regarding an incident in the area relating to a vulnerable family, and the Police had been informed that a child of the family had been taken to the premises. The Police found the child at the premises, as well as a number of other young children. Whilst the request for the review related mainly to the two concerns regarding the safeguarding of children, the Police also had concerns with regard to crime and disorder at the premises, and there had not been a decline in the number of incidents over the past year. It was stressed that the majority of incidents had occurred due to the nature of the clientele, and through no fault of the DPS, but regardless of this, it still resulted in young children being put at risk. The Police could not confirm as to whether any of the incidents relating to assaults involved glasses being taken off the premises, but the fact that customers were taking their glasses outside was still a breach of the conditions of the Premises Licence. This resulted in the Police not having confidence in the DPS's ability to manage the premises properly.

- 4.14 PC Parker stated that the Terminus Tavern was valued as a facility within the local community, but the premises needed managing properly, and within the law, both for the sake of the premises management and the local community. Benita Mumby stated that she had no personal views on Tony Stubbs, Ms Bagshaw's business partner, despite comments made by him during one of her visits to the premises, and that the Police were merely acting on the fact, that despite conditions being place on the licence in July 2013, relating to a designated children's area, such conditions were still not being adhered to in November 2013. It was accepted that there was a possibility that other premises in the City were likely to experience similar levels of crime and disorder, but the main issues at the Terminus Tavern related to concerns regarding the safeguarding of children. The Police confirmed that there had been no prosecutions in connection with the selling or taking of drugs on the premises. PC Parker stated that if the Sub-Committee was to add a condition on the Premises Licence to the effect that no children under the age of 18 years old were allowed on the premises at any time, and if a customer attended the premises, accompanied by his children, and refused to leave, the Police would attend the premises and assist Ms Bagshaw, subject to available resources. PC Parker added that the Police could always assist DPSs where help was required, but where a DPS was not acting responsibly and problems persisted as a result of this, alternative courses of action would be pursued. Benita Mumby stated that on one occasion, the Police had been made subject to what could be described as a verbal assault, when comments were passed by customers when they made a visit to the premises, and during what was described by the Police as a hostile environment. It was clear that the majority of customers did not like the Police being on the premises and for this reason, officers would always visit, accompanied by a colleague.
- 4.15 Tansy Bagshaw stated that she had no comment to make in relation to her case.
- 4.16 In response to questions from Members of the Sub-Committee and the Police, Ms Bagshaw stated that the condition added to the licence following the Licensing meeting on 2nd July 2013, not allowing children on the premises after 17:00 hours, had resulted in a number of customers, with children, going elsewhere.

She indicated that she would like to see the beer garden being identified as a second designated area for children, as this would make it a lot easier for parents to supervise their children. Ms Bagshaw stated that generally, the premises were family-friendly, and that problems usually only occurred when strangers came in. She indicated that she would welcome any further offers of training for other members of staff. Ms Bagshaw stated that there had been a number of improvements made at the premises since the time of the CCTV recordings, and that she had the necessary skills and ability to deal with any future issues relating to children being unsupervised on the premises. She confirmed that the 17-year old working behind the bar was her niece and that she understood that she would be able to work behind the bar as long as a responsible person was watching her. Ms Bagshaw confirmed that her niece was still working behind the bar, but was now being properly supervised. Despite being advised by PC Parker on two occasions that under 18-year olds still had to be in the designated children's area during the event organised using a TEN, Ms Bagshaw thought that the normal licence conditions did not apply to such events.

- 4.17 In response to a question from Councillor Geoff Smith, Julie Hague stated that the SSCB had objected to having the beer garden as a second designated children's area as the Board wished to have only one such area and that if this was managed properly by the DPS, it would look to take incremental steps to assist the DPS, such as designating a further children's area. The area designated had been chosen as it was near to the bar, where it was considered that premises staff could keep an eye out on the children. Ms Bagshaw did not want the beer garden designated initially as it would not be able to be used during the winter months.
- 4.18 Julie Hague and Benita Mumby summarised their cases and Tansy Bagshaw indicated that she had nothing further to add.
- 4.19 Matt Proctor outlined the options open to the Sub-Committee.
- 4.20 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.
- 4.21 Caroline Milson 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, in the light of the information contained in the report now submitted, the representations now made and the CCTV recordings now viewed, the Sub-Committee agrees to modify the conditions of the Premises Licence in respect of the premises known as the Terminus Tavern, 150a Main Road, Sheffield, S9 5HQ, by the addition of the following condition:-

Access to persons under the age of 18 to all parts of the premises at all times shall be prohibited.

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