

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 November 2015

PRESENT: Councillors David Barker (Chair), Josie Paszek and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Geoff Smith 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 - VIPER ROOMS/VIPER LOUNGE, 35 & 35A CARVER STREET, SHEFFIELD, S1 4FS

- 4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 53 of the Licensing Act 2003, for a review of the Premises Licence in respect of the premises known as Viper Rooms/Viper Lounge, 35 & 35a Carver Street, Sheffield, S1 4FS.
- 4.2 Present at the meeting were Andrew McDonald (Barrister, representing the Applicants), Inspector Neil Mutch, Andrea Marsden and Cheryl Topham (South Yorkshire Police, Applicants), Paddy Whur (Woods Whur, Solicitors, representing the Harewood Group), Paul Kinsey (Harewood Group), David Burgess (Designated Premises Supervisor, Viper Rooms/Viper Lounge), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 4.4 Andy Ruston presented the report to the Sub-Committee, referring specifically to the application, made by South Yorkshire Police, for a summary review of the Premises Licence, which had initially been considered by the Sub-Committee on 29th October 2015, and to the meeting of the Sub-Committee held on 2nd November 2015, to consider representations by the Premises Licence Holder against the interim steps imposed by the Sub-Committee on 29th October.
- 4.5 Andrew McDonald referred to the application for a summary review of the Premises Licence made by South Yorkshire Police, in the light of a number of

incidents at the venue during September and October 2015. The incidents, which had occurred mainly on Tuesday nights, gave rise to concerns with regard to the management of the venue, the reporting of the incidents and issues regarding the use of glass in the venue. Mr McDonald stated that, as details of the incidents were set out in the report, and had been considered by the Sub-Committee at its meeting held on 2nd November 2015, he did not consider it necessary to report on the details again. He stated that, following the implementation of the interim steps, as imposed by the Sub-Committee, a number of conditions had been agreed between the Premises Licence Holder and the police and, on the grounds that the conditions had been applied by the Premises Licence Holder, together with the fact that there had been no further incidents at the venue on the last three Tuesday nights, when the venue had re-opened, the police had no further concerns with regard to the management of the venue at this time.

- 4.6 Inspector Neil Mutch stated that since the application for the summary review and the actions taken in response by the Premises Licence Holder, the police had attended the venue on the last three Tuesday nights, when the venue had re-opened, and had found there to be no problems with regard to the management of the premises, the door staff had been both efficient and accommodating and there had been a positive and relaxed atmosphere in the venue.
- 4.7 In response to questions from Members of the Sub-Committee, it was stated that there had been no issues in terms of animosity by customers towards the police which, it was believed, had been due to a change in the clientele.
- 4.8 Prior to stating the case for the Premises Licence Holder, Paddy Whur referred to the four conditions which had been agreed between the Premises Licence Holder and the police. Details of the conditions were circulated at the meeting and, for clarity, Marie-Claire Frankie read them out at the hearing. Mr Whur made reference to an amendment to one of the conditions, which would now read 'The delegated member of door staff will be fitted with an approved body-cam, which must be worn at all times the premise is operating'.
- 4.9 Paddy Whur, on behalf of the Harewood Group, stated that the venue's management had been disappointed at the police's application for a summary review of the premises, indicating that the incidents which had given rise for concern had been due to a certain clientele attending the venue on Tuesday nights. He stated that, following the decision of the Sub-Committee at its informal meeting on 29th October 2015, at which the Sub-Committee had imposed interim steps to suspend licensable activities at the venue on Tuesday nights, the Premises Licence Holder had made representations to the Sub-Committee on 2nd November 2015. It had been agreed at this meeting that, subject to the implementation of the action plan drawn up by the premises management, the interim steps be lifted, and the venue was allowed to re-open on 10th November 2015. Mr Whur reported that since re-opening, there had been no trouble at the venue on the last three Tuesday nights, as evidenced by the police, who had attended on each night, which had been as a result of significant changes in management procedures and the customer base. Although not yet conditional, the police had trialled the body-cams at the venue last night, for the benefit of the door staff who will be using them, and this was seen as a testament to the

Premises Licence Holder in terms of how serious he took this issue. Mr Whur concluded by stating that he considered the Premises Licence Holder had taken proportionate and appropriate measures in terms of the proposed conditions to be added to the venue's Premises Licence.

- 4.10 In response to questions from Members of the Sub-Committee, it was stated that the four agreed conditions would be in addition to those conditions already on the Premises Licence, and that the interim steps imposed by the Sub-Committee would now be removed. The door staff operated a random search policy at the venue every night, whereas on Tuesday nights, a policy whereby one in every 15 customers was searched was adopted. There was obviously some flexibility in terms of the search policy whereby the door staff would undertake more searches if particular problems arise on any given night, or they had suspicions about certain customers. Since the summary review application, management at the premises considered that the changes made, as set out on the action plan, as well as the four additional conditions, were sustainable, and considered both proportionate and appropriate in terms of meeting the licensing objectives. The changes had not simply been made to ensure that there were no problems on the last three Tuesday nights, prior to this review, but had been made following a review of activities on every night the venue was open, and would be rigorously monitored by management. In terms of last night, it was reported that a number of people were not admitted to the venue, although this figure had been considerably less than on previous Tuesdays. There was also no glass at all in the venue on Tuesday nights. The only glass bottles served to customers were champagne or spirit bottles, which were only served in the VIP area, which was highly supervised and where staff would serve customers the drinks. The Tuesday nights would still be advertised as student-friendly, although people would still be admitted if they did not have a NUS card, with any admission being at the discretion of the door staff. The aim was to ensure the clientele comprised like-minded people and, although it was not always easy, the door staff were well trained in terms of identifying those people who they considered were likely to cause problems. Whilst only polycarbonate or plastic drinking vessels were currently being used in the VIP area on Tuesday nights, management would consider changing back to glass in the future if no problems were identified. The management did not envisage any problems in terms of implementing the additional measures on a long-term basis and, to some extent, welcomed the measures on the basis that they ensured that all staff at the venue were 'at the top of their game' at all times.
- 4.11 Paddy Whur and Andrew McDonald indicated that they had nothing further to add in terms of a summary.
- 4.12 Andy Ruston reported on the options available to the Sub-Committee.
- 4.13 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.
- 4.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the

case.

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 the premises known as Viper Rooms/Viper Lounge, 35 & 35a Carver Street, Sheffield, S1 4FS, by the addition of the following conditions:-

- (a) A one in 15 search policy to be maintained on Tuesday night events, and risk assessed by the management on all other nights when the premise is operating;
- (b) An internal SIA registered door person will be appointed to take responsibility for door staff positioned inside the premise in order to increase supervision levels. The delegated member of door staff will be fitted with an approved body-cam, which must be worn at all times the premise is operating. The images will be stored for 28 days and the police will be given access to the copies of the images for purposes in connection with the prevention and detection of crime and disorder;
- (c) An SIA registered door person will be appointed to be static outside the premise and will be fitted with an approved body-cam, which must be worn at all times the premise is operating. The images will be stored for 28 days and the police will be given access to the copies of the images for purposes in connection with the prevention and detection of crime and disorder; and
- (d) Only polycarbonate or plastic drinking vessels and bottles, save for champagne and spirits in the VIP area, will be served on a Tuesday night, and risk assessed by the management on all other nights when the premise is operating.

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