

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 6 July 2017

PRESENT: Councillors David Barker (Chair), Kieran Harpham, Adam Hurst and Vickie Priestley

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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 - SUMMARY REVIEW OF PREMISES LICENCE: SERIOUS CRIME SHEFFIELD STUDENTS UNION (THE FOUNDRY) WESTERN BANK SHEFFIELD S10 2TG

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 53A of the Licensing Act 2003, for a summary review of the Premises Licence in respect of the premises known as Sheffield Students Union, The Foundry, Western Bank, Sheffield S10 2TG (Ref No.79/17).

4.2 Present at the meeting were Charlotte Gibson (Solicitor, DLA Piper for Sheffield Students Union (SSU)), Richard Atkinson (Security Manager, SSU), Leo Charalambides (Counsel, SSU), Alex O'Brien (Head of Entertainments, SSU), Chris Aucott (Director of Social Enterprise and DPS, SSU), Julie Hague (Licensing Manager, Sheffield Safeguarding Children Board), John O'Mally (Licensing Manager, South Yorkshire Police), Jo Carty (Weightmans LLP, representing South Yorkshire Police), Acting Chief Inspector Shakeel Ahmed (South Yorkshire Police), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Services) and Jennie Skiba (Democratic Services).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing.

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations had been received from South Yorkshire Police and Sheffield Safeguarding Children Board and were attached at Appendix "D" to the report.

4.5 Jo Carty stated that on 4th June, 2017 there had been an incident at the Sheffield

Students Union “the Foundry” which had resulted in two females being taken to hospital following drugs misuse. It became known that the girls had bought drugs at their home address and then gone to the Foundry. One of the girls consumed half of the quantity of drugs outside the venue and had hidden the other half about her body and had consumed it inside the toilets. She had become unwell and was taken to hospital, but had sadly passed away. Jo Carty then referred to the statement of PC Briggs which related to the “drugs box”, such box was found to be considerably full, although it had not been emptied since November, 2016. She felt that there was increasing concern that drug use was becoming an issue at the premises.

- 4.6 In response to questions from Members of the Sub-Committee, it was explained that the drugs box was used following searches made by doorstaff, where any drugs found are confiscated and put into the box, or where drug users see the searches being made and discard drugs onto the floor which are retrieved by staff and then put into the box. The Police were concerned that the premises were becoming a magnet for drug users.
- 4.7 Julie Hague referred to the risk assessments that had been carried out at the premises over the years and stated that zero tolerance was in force and the approach to it was exemplary, but due to the serious incident that had taken place, she considered the premises to be high risk and felt that The Foundry was not currently operating as a family friendly venue, which was open to 14 year olds. She had met with the DPS to discuss her concerns and commented that there was history of working co-operatively with the Safeguarding Board and the DPS was able to produce evidence of the required due diligence materials for safeguarding, including policies for all areas of the University to which people under the age of 18 have access. The DPS had produced training records, the refusals logs for both Challenge 21 and 25 schemes and he demonstrated his full understanding of safeguarding issues. However, Ms. Hague did suggest that further training for all staff should be undertaken and that if the Sub-Committee determined that the licence be modified and she recommended that under 18 year olds be not permitted to attend live music, “gigs” or club nights for a minimum of three months to show that a culture change had been evidenced at the premises.
- 4.8 In response to questions from Members of the Sub-Committee, Julie Hague stated that, if a drugs culture was present at the premises, children might be encouraged to experiment with them.
- 4.9 Leo Charalambides acknowledged the tragic circumstances surrounding the review but stated that, since the licence had first been granted in 2005, this was the first time an incident had occurred on the premises which had resulted in the management of the Students Union to come before the Sub-Committee. He added that there was no history to associate the premises with the supply or taking of drugs. He referred to the drugs box, which had been emptied on 31st May, four days before the incident, and it was found to have more drugs inside it which had been found on the floor outside the premises and subsequently picked up by the security staff and placed in the box. Leo Charalambides highlighted an email from the SSU dated 3rd March, 2017 requesting the drugs box to be emptied; it was around two months later when the Police attended which could

explain why the box was so full. Leo Charalambides said there were 66 security staff employed at the premises and that no other venue in the City had this level of security. He added that sometimes small packages of drugs were concealed by persons and evaded the security measures which were carried out, but with the proposed added security, it was envisaged it would be even more difficult to take drugs inside. Mr. Charalambides then referred to the enhanced security proposals which had been drawn up between both of the city's Universities and the Police. He said it was envisaged that the face recognition system would be in place by the 6th August and the introduction of drugs sniffer dogs and to maintain and promote zero tolerance.

- 4.10 Richard Atkinson outlined the security measures at the Foundry and stated that the combined total of events during the academic year since September, 2016 had attracted in excess of 130,000 students. He further stated that all security staff received in-house SIA training and take the duties of both due diligence and duty of care for all customers very seriously and have been given guidance on the care of both drunk and drug intoxicated customers. Richard Atkinson referred to the refusals log which showed evidence of customers being ejected from the premises having been found to be drunk and abusive, which he felt proved that the licence conditions were enforced at the premises at all times. In relating to safeguarding issues, he stated that there were no reported incidents and that the premises were well run.
- 4.11 In response to questions from Members of the Sub-Committee, and others in attendance, Richard Atkinson stated that anyone found to be dealing drugs on the premises would be held and handed over to the Police. Leo Charalambides reiterated to Members that there wasn't a drugs problem on the premises, as it was well known throughout the City as a tough place to get into, and that there was no underlying culture of drug use. With regard to safeguarding issues, he referred to a calendar of events which included concerts which had an age restriction of 14+, at which it was predicted that under 18s would more than likely be accompanied by parents, but in any event, additional controls to help safeguard children would be put in place. These included searches on the door, covert security in the event and a dedicated safeguarding officer being present for the duration of the event. Leo Charalambides stated that whilst he didn't disregard the incident that had taken place, evidence showed that the students had taken the drugs at home and not at the Foundry.
- 4.12 Julie Hague and Jo Carty summarised their cases.
- 4.13 Leo Charalambides was also given the opportunity to summarise the case on behalf of the licensee.
- 4.14 Clive Stephenson reported on the options available to the Sub-Committee.
- 4.15 **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.

- 4.16 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.17 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.18 RESOLVED: That, in the light of the information contained in the report now submitted and the representations now made, the Sub-Committee agrees to:-
- (a) lift the interim steps imposed at its informal meeting held on 12th June, 2017, in respect of the premises known as the Students Union, The Foundry, Western Bank, Sheffield, S10 2TG; and
 - (b) modify the conditions of the Premises Licence, as follows:-
 - (i) to maintain a regular review of CCTV requirements and provide the most up-to-date copy of the CCTV coverage report to the Licensing Authority, the Police and any other authorised responsible authority upon request;
 - (ii) to maintain a regular review of the policy and provide the most up-to-date copy of the zero tolerance drugs policy upon request of the Licensing Authority, the Police and Sheffield Safeguarding Children Board;
 - (iii) a trained sniffer dog and handler to be deployed a minimum of four times within 12 months from the start of the 2017/18 academic year;
 - (iv) a notice advising of random drug sniffer dog searches to be posted within the University of Sheffield Students Union;
 - (v) zero tolerance and search signage to be amended to include details of the consequences of being caught in possession of drugs;
 - (vi) all staff involved in entry point searches to wear high-viz vests identifying themselves as members of the search team;
 - (vii) members of the search team are to be deployed within the premises wearing high viz vests identifying themselves as members of the search team;
 - (viii) the premises to maintain and keep available for inspection, a register of security staff;
 - (ix) the premises to maintain and keep for inspection by authorised officers of the Licensing Authority, the Police and other responsible authorities, a refusals register and an incident register;
 - (x) the premises to maintain and provide a calendar of licensable events

and provide a copy one month in advance to the Licensing Authority, the Police and Sheffield Safeguarding Children Board. If it is not possible to give a months' notice of any event, adequate notice be given to allow suitable and sufficient comments to be made; and

- (xi) the provision of an I.D. scanner, operated at the premises on club nights from 23:30, to be implemented week commencing 4th September 2017.

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