

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 February 2018

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Kieran Harpham

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence. Councillor Mick Rooney 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 - NICHE, 9-11 WALKER STREET, SHEFFIELD S3 8GZ - REVIEW OF A PREMISES LICENCE

4.1 The Chief Licensing Officer submitted a report to consider an application for the review of a premises licence due to a Closure Order made under Section 167 of the Licensing Act, 2003, in respect of the premises known as Niche, 9-11 Walker Street, Sheffield S3 8GZ (Ref. No. 10/18).

4.2 Present at the meeting were Tony Handley, Steve Baxendale and Kate Baxendale (on behalf of Niche), Richard Dyson (Designated Premises Supervisor), Leo Charalambides (Counsel acting on behalf of Niche), Chris Grunert (Solicitor acting on behalf of Niche), Aaron Moss (Counsel acting on behalf of South Yorkshire Police), Superintendent Paul McCurry, Detective Sergeant Katie Clogan, Sergeant Matt Burdett (South Yorkshire Police), Ian Armitage and John O'Malley (Licensing Officers, South Yorkshire Police), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) 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 the Council's Director of Public Health and were attached at Appendix "A" to the report, but these had now been resolved.

4.5 Aaron Moss stated that the application had been made following an incident that

had occurred at the premises on 23rd December, 2017 resulting in four persons with stab wounds and a fifth person with fractures. He said the main concern to the Police was the failure by staff to call them. He stated that there were three incidents in total, the first one involving a gang who assaulted someone inside the club. The security staff went inside and forcibly removed the victim from the premises, however the gang followed and continued to attack him and were allowed to re-enter as and when they wanted to. South Yorkshire Police maintain that if they had been called following the first incident, they could have intervened in the resulting melee and stabbings that had taken place in the vicinity of the premises. Aaron Moss stated that the ambulance service had been contacted by a passer-by and the police had then been called by the ambulance service. He suggested that Niche did nothing to prevent the incident and that the conditions already in place on the licence are not sufficient to prevent serious crime and disorder. He felt that due to the location of the premises, the police are unable to regularly patrol the area to reduce the risk of incidents occurring and if they were to do so, there would be an unsupported strain on their already stretched resources.

- 4.6 Superintendent Paul McCurry stated that he was on duty on the day of the incident and outlined the key points of the statement he made. He said that he had viewed the CCTV images which outlined the serious disorder that had taken place. Superintendent McCurry then referred to several licence conditions that had been breached, these being that no customers carrying open bottles shall be allowed onto the premises; no alcoholic drinks shall be removed from the premises in open containers; all customers to be age and security checked on entry and re-entry onto the premises; a suitable number of City Centre Retail Against Crime (CCRAC) radios to be in use at all times; an I.D. scanner to be operated in conjunction with the Challenge 25 scheme and a minimum of two SIA registered door staff to be fitted with an approved body-cam to be worn at all times. Superintendent McCurry stated that there was no evidence of any staff wearing a bodycam, and if they were, no footage was recorded. He felt that there had been a breakdown in security arrangements and was not confident that further licence conditions would address this fact.
- 4.7 In response to questions from members of the Sub-Committee, Superintendent McCurry stated that he had accepted the evidence on the CCTV images and that as soon as the victim was being dragged out of the premises, the police should have been called. He added that as soon as anyone was being ejected from any premises, the police should be contacted straight away. He further stated that due to the spread of licensed premises in and around the city centre, the area is not routinely covered by the police nor the city centre CCTV cameras and therefore the police rely on the venue or members of the public to notify them of any incidents occurring. He felt that sometimes having a police car parked up or patrolling an area acted as a deterrent to would-be troublemakers. Superintendent McCurry said that the owners of the premises had fully co-operated with the police since the incident and prior to the incident the police never had any issues with the premises.
- 4.8 At this stage in the proceedings, those parties deemed relevant to be present during the consideration of the sensitive information to be presented by South

Yorkshire Police, retired to a separate room to view and discuss that sensitive information.

- 4.9 On their return, the meeting was then re-opened to the public and press and other attendees.
- 4.10 Leo Charalambides stated that the owners of the premises operate a number of nightclubs and their common goal was to promote the licensing objectives in order to run successful businesses and encourage people to visit their premises time and again. He stated that the police had acknowledged that the incidents were random attacks and, as could be seen from the CCTV images, the perpetrators on the night had visited the club two hours earlier and had fully co-operated with the pat-down and I.D. scanner procedures. He added that due to the high quality of the CCTV equipment at the premises, it was possible to zoom in and move the directions of the cameras, in order to assist the police with their enquiries. Mr. Charalambides suggested that there was no middle ground in this case, given that the club are keen to capture images, but whose responsibility is it to contact the police and at what stage of an incident occurring does someone contact them? He agreed that things could be tightened up at the premises i.e. the security manual could be reviewed, and the “spotters”, the manager and other staff members could get more involved to prevent incidents happening. Mr. Charalambides said that once outside any premises, if a victim does not want assistance, other than the gathering of evidence, nothing more can be done. Mr. Charalambides also stated that his clients were keen to spend time and money in continuously improving security and were willing to work with the police in this regard and had positively responded to a horrific situation and had not shied away from responsibility. Mr. Charalambides referred to 45 letters of support that had been received from a wide range of persons from differing backgrounds and stated that the premises were of local interest due to the nature of the clientele who lived close by and felt that the premises were a cultural institution. He added that a number of clients had expressed the view that the club provided a safe space for patrons to attend and the owners had provided positive investment in helping to regenerate the area.
- 4.11 In response to questions from Members of the Sub-Committee, Richard Dyson stated that there had been no indication of anything untoward happening, the incident logs had shown nothing of concern on any other occasion. Mr. Charalambides stated that the staff did not know prior to the incident occurring who the perpetrators were and confirmed that they had now been barred from the premises. He further stated that the owners had a good working relationship with the police and when taking out the lease on the premises, had only signed up following agreement with them and only opened for modest hours in the beginning. He added that the CCTV evidence showed that the club had invested in high quality equipment which sent images at all times to a room on the upper floor of the premises, however these were not monitored at all times, but on this occasion, the staff did step in when required.
- 4.12 Aaron Moss and Leo Charalambides summed up their respective cases.
- 4.13 Clive Stephenson reported on the options open to the Sub-Committee, as set out in the report.

- 4.14 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.
- 4.15 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 Niche, 9-11 Walker Street, Sheffield S3 8GZ, as follows:-
- (a) the following condition be amended in accordance with sub-sections 167 and 168 of the Licensing Act 2003 as follows:-
- (i) Condition 4 be amended to read: The premises shall have a minimum of 6 SIA registered door supervisors at any time that the premises are open to members of the public after 21:00 hours, until 30 minutes after the close of the premises to members of the public. The requirement for additional SIA registered door supervisors is to be kept under review and subject to an ongoing risk assessment, in accordance with the written security policy;
- (b) the following conditions are to be added to the premises licence in accordance with sub-sections 167 and 168 of the Licensing Act 2003:
- (i) at any time that the premises are open to members of the public, the deployment of the SIA registered door supervisors shall include at least 1 supervisor in the main room on the ground floor, and at least 1 supervisor in the VIP room on the first floor;
- (ii) the premises will undertake a review of its security procedures and policies ('The Operational Policy') by 24th February 2018; the Policy will be provided to the police and licensing authority for agreement within 14 days thereafter. If an agreement cannot be reached, the matter will be referred to the Licensing Sub-Committee for consideration. The Policy shall include but not be limited to an ejection procedure, in which circumstances the police should be contacted and by whom, and details regarding the roles of spotters and their training. The Policy will be subject to annual review by the premises, in conjunction with the police and licensing authority;
- (iii) the premises will maintain a copy of the Policy on the premises and it shall be made available for inspection on demand by the police, or any other authorised officer; and
- (iv) glass bottles of premium products of 50cl+ shall be sold and supplied

in the VIP areas on the first floor only. Patrons shall not be permitted to take any such bottles outside of the VIP area. A member of the SIA registered security team shall be tasked with monitoring the VIP area and prohibiting the removal of any glass bottle from this area by customers. Those wishing to take possession of a glass bottle (within the VIP area) must provide a cash and/or piece of identification as a deposit, to be refunded/returned following the return of the glass bottle.

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