

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 24 November 2017

PRESENT: Councillors Josie Paszek (Chair), Lisa Banes and David Barker

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE FOLLOWING A CLOSURE ORDER GRANTED BY THE MAGISTRATES' COURT

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 167 of the Licensing Act 2003, for a review of a Premises Licence, following a Closure Order granted by the Magistrates' Court (Ref. No. 150/17).

4.2 Present at the meeting were James Ketteringham (South Yorkshire Police Legal Services), Ian Armitage (South Yorkshire Police Licensing Officer) and Jonathan Greaves (South Yorkshire Police, Applicants), Chris Grunert (John Gaunt and Partner, Solicitors, for the Premises), Baron Balman (Premises Licence Holder), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser) and John Turner (Democratic Services).

4.3 Chris Grunert, on behalf of the premises, referred to the serious incident which had occurred outside the premises on 10th November, 2017, involving members of staff of the premises, indicating that all the members involved would be dismissed, and excluded from the premises. In the light of this action, and the placing of four suggested new conditions on the Premises Licence, he was formally requesting that this hearing be adjourned, that the Closure Order made in respect of the premises be lifted and that the prospective Premises Licence Holder be allowed to manage the premises as part of a six week trial.

Mr Grunert stated that whilst Mr Ketteringham had provisionally agreed to this suggested course of action, they were both mindful that this would be a decision to be made by the Sub-Committee.

- 4.4 James Ketteringham, on behalf of South Yorkshire Police, referred to the incident on 10th November 2017, which had involved members of staff of the premises assaulting a customer on the street outside the premises, indicating that the incident had been deemed serious enough for the police to apply to the Magistrates' Court for the Closure Order. He added that there had been other incidents at the premises, together with issues regarding non-compliance with the licensing requirements. Mr Ketteringham referred to Mr Grunert's request, indicating that, whilst he still had concerns in terms of the future management of the premises, he did agree, in principle, to the hearing being adjourned for a period of six weeks to allow the new management of the premises, with the additional proposed conditions on the Premises Licence, to manage the premises. In the light of this, Mr Ketteringham stated that he would be willing to make a request to the Magistrates' Court for the Closure Order to be lifted accordingly.
- 4.5 Chris Grunert referred to the four proposed conditions, which were set out in his letter circulated prior to the hearing, indicating that he believed that, with the conditions in place, the premises would be managed without any further problems. He added that, if there were any problems during the six week trial period, the police had the powers to apply for a further Closure Order.
- 4.6 Members of the Sub-Committee raised a number of questions, which were responded to by the relevant attendees present at the hearing.
- 4.7 RESOLVED: That the 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.
- 4.8 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.10 RESOLVED: That, in light of the representations now made:-
- (a) the meeting be adjourned for a period of six weeks to give the new, prospective Premises Licence Holder, the opportunity, once the Closure Order has been lifted, of managing the premises, with the following conditions being placed on the Premises Licence:-

- (i) the Premises Licence Holder shall ensure the premises' CCTV system cameras shall continually record whilst the premises are open to the public, and records shall be kept for a minimum of 28 days, with time and date stamping; data recordings shall be made immediately available to an authorised officer of South Yorkshire Police or Sheffield City Council, together with facilities for viewing upon request, subject to the provisions of the Data Protection Act; recorded images shall be of such quality, to the satisfaction of South Yorkshire Police and, as to be able to identify the recorded person; at least one member of staff on the premises at any time during operating hours shall be trained to access any download material from the CCTV system;
 - (ii) a minimum of two Security Industry Accredited (SIA) Registered Door Supervisors shall be employed at the venue from 23:00 hours on Friday and Saturday evenings, as well as Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day, until close;
 - (iii) the individuals now mentioned shall not be employed or involved in the supervision of the premises;
 - (iv) the management shall undertake training in the subject of Conflict Management, with such training being cascaded to all staff members, and will be documented, with records retained for inspection for a period of three months after the date of termination of employment;
 - (v) a sign, headed 'Under New Management', shall be affixed, and clearly visible, to the window of the premises for the six week trial period; and
 - (vi) the Premises Licence Holder shall be required to be on the premises from 23:00 hours on Friday and Saturday, and at least on two of the additional days listed in paragraph (ii) above, until close; and
- (b) arrangements be made for the review of the Premises Licence, in respect of the premises now mentioned (Ref No. 150/17), to be considered at a meeting of the Sub-Committee in six weeks' time.