

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 23 June 2020

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

**PRESENT:** Councillors Andy Bainbridge (Chair), Vickie Priestley and Cliff Woodcraft

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#### **1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

#### **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 - REVIEWS OF PREMISES LICENCES**

4.1 The Chief Licensing Officer submitted two reports to consider applications, made under Section 51 of the Licensing Act 2003, for the review of the premises licences in respect of premises known as Pitsmoor Hotel, 448 Pitsmoor Road, Sheffield S3 9AY and the Staffordshire Arms, 40 Sorby Street, Sheffield, S4 7LB (Case Nos.43/20 and 42/20, respectively).

4.2 Present at the meeting were James Holding (Barrister for South Yorkshire Police), Ian Armitage (Licensing Enforcement Officer, South Yorkshire Police), Catherine Jarvis (Licensing Officer, South Yorkshire Police), John O'Mally (Licensing Manager, South Yorkshire Police) (Applicant), Paul Greasby (Designated Premises Supervisor and Premises Licence Holder), Greg Fell (Director of Public Health), Sean Gibbons (Environmental Health Officer), Julie Hague (Sheffield Children Safeguarding Partnership), Bill Masini (Trading Standards), Emma Rhodes-Evans (Licensing Enforcement and Technical Officer), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

- 4.4 Jayne Gough presented the reports to the Sub-Committee, and it was noted that representations had been received from the Sheffield Children's Safeguarding Partnership, the Health Protection Service, Trading Standards, the Department for Public Health and the Licensing Authority and were attached at Appendix "D" to the report. She stated that as Paul Greasby was Designated Premises Supervisor and Premises Licence Holder for both premises, both cases would be heard together.
- 4.5 James Holding presented the cases on behalf of South Yorkshire Police. He stated that there had been multiple reports received by South Yorkshire Police stating that both premises had remained open during the lock down period enforced by the Covid-19 pandemic. On 15<sup>th</sup> January, 2020, notification had been received from the Licensing Service that the licence for the premises known as Pitsmoor Hotel had been suspended due to non-payment of the licence fee, however the licence fee for the premises was paid on 28<sup>th</sup> May, 2020.
- 4.6 James Holding then outlined a chronology of events commencing on 23<sup>rd</sup> March, 2020 following a phone call stating that the Staffordshire Arms public house was still open for business although the new law stating that the premises should be closed on 21<sup>st</sup> March had come into effect. On this occasion, Mr. Greasby had been spoken to at great length about the new laws and the consequences to him if he continued to be in breach of those laws. Relating to the Staffordshire Arms, on 24<sup>th</sup> March, 1<sup>st</sup> and 2<sup>nd</sup> April, reports were received stating that customers were entering the rear of the premises, stood outside on the driveway, music could be heard from inside the premises and take-away food had been delivered. When Police Officers had attended the premises, there were several used beer glasses on a table inside the pub, but no persons were present. On 4<sup>th</sup> April, a Prohibition Notice was served on Mr. Greasby by Licensing Officers of Sheffield City Council.
- 4.7 At this stage in the proceedings, photographs taken by the CCTV cameras inside the premises, taken at different angles, of people stood drinking and glasses empty or nearly empty, were shown to the Sub-Committee. An audio clip, believed to have been recorded by Mr. Greasby's ex-partner was played. James Holding stated that Mr. Greasby could clearly be heard stating that he thought the law was a load of rubbish and that he was opening because he had to earn a living.
- 4.8 James Holding stated that letters had been sent to Mr. Greasby on 6<sup>th</sup> April, advising him of the law with regard to both premises and the consequences should he fail to comply with the law. On 19<sup>th</sup> April, the Police received a report that Mr. Greasby was still operating on-sales. The following day, a Police Officer attended the Staffordshire Arms and was told that only off-sales, which were permitted, were being sold.
- 4.9 With regard to the Pitsmoor Arms, which was managed by Mr. Greasby's son and his partner, reports were received that, on 19<sup>th</sup> and 23<sup>rd</sup> April, customers had been seen entering and leaving the premises via the rear door. Police Officers attended the premises twice, the first time being unable to enter the premises and on the second attempt, gained access and searched the premises. Ashley

Greasby, son of Paul Greasby, and his partner Louise Leggitt, were present on the premises. Ashley Greasby denied that anyone else was inside the premises and that they were no longer selling alcohol on or off the premises. Louise Leggitt later on said that they had been selling off-sales in the form of cans of beers, lagers, etc., and showed the Officers the fridge where they were kept. On hearing noises from the upstairs apartment, Ms. Leggitt initially stated that Police Officers weren't allowed upstairs as her daughter was shielding as she had a long term illness. After being asked to, she agreed to move her daughter to a place upstairs away from officers and only one officer agreed to go upstairs. The Police Officer then went upstairs.

- 4.10 The Sub-Committee was then shown footage of the Police Officer's bodycam which showed three customers, two females found hidden in a wardrobe, and a male blocking a bedroom door, were found upstairs. The explanation given was that they were friends and a gas fitter, although no tools were present. Five notices were served on those persons for breaking the rules by leaving their homes during lock down. The following day, 24<sup>th</sup> April, a Prohibition Notice was served on the Pitsmoor Arms, by the City Council's Licensing Service. On 28<sup>th</sup> April, notices of a review of the licences for both premises were served.
- 4.11 Greg Fell referred to the letter he had submitted and which was contained in both reports and stated that its contents speak for itself. He outlined his concerns when informed of serious breaches of the Health Protection Coronavirus Regulations by two local licensees by allowing members of the public to congregate in and around the premises, contravening social distancing guidance. Greg Fell stated that when the breaches occurred, at the beginning of April, the virus was close to its peak and the risk of infection prevalent. Greg Fell said that he had spoken to doctors and nurses who had taken care of those who had subsequently died of the virus in the most horrendous way. He said that the law had been a pain, but it was there to save lives.
- 4.12 In response to the evidence already submitted, Mr. Greasby asked how many reports had been received from individual people. He was informed that there had been various reports made by six individuals.
- 4.13 Sean Gibbons referred to his comments contained within the reports which summarised his concerns at the blatant disregard for the emergency legislation which had been introduced to help reduce the spread of Covid 19 and fully supported the actions taken by his colleagues regarding the service of prohibition notices and applications to review the premises licences of both public houses.
- 4.14 Julie Hague stated that when she was in receipt of the application for review of the premises licence regarding the Pitsmoor Arms, on investigation she was informed that a new born baby was on the premises when members of the public were in breach of public health and licensing regulations. Ms. Hague was also aware that a vulnerable person was also put at risk by a blatant disregard for public safety and the lack of due diligence. She said that in 2007, agreement had been reached, to ensure a safe environment for all, whether those persons lived, worked or visited a licensed premise, and the four core licensing objectives were promoted at all times.

- 4.15 Emma Rhodes-Evans reiterated the comments already made and stated that the licence holder, by continuing to open the premises, had shown a total disregard to the Government's guidance and failed to demonstrate a level of responsibility and due diligence that was required to operate premises responsibly and had clearly undermined public safety and the prevention of crime and disorder. She stated that Mr. Greasby may have exposed himself and others to increasing risk of harm posed by the virus and therefore she supported the applications to revoke the licences.
- 4.16 Bill Masini fully supported the evidence already presented to the Sub-Committee and referred to the blatant disregard shown by the licensee at putting public safety at risk. He said that he had no confidence that the management of these premises would ensure social distancing and any other rules to be announced by the Government as further lock down measures are relaxed, would be enforced.
- 4.17 Paul Greasby stated that with regard to the audio tape that had been played, it had been a private argument between himself and his ex-girlfriend. He said that she had been trying to wind him up into saying things that he would not say in public. Paul Greasby referred to the CCTV photographs and said that they could have been taken at any time, by his ex-girlfriend, as there was no time and date on them. Mr. Greasby referred to the Pitsmoor Arms and stated that his son had told him when the Police had arrived at the premises, he had told them they could look in the cellar if they so wished, and he felt that everything that had happened upstairs was private and that he could not tell his son how to run his private life.
- 4.18 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Paul Greasby said that he had never sold alcohol in the Staffordshire Arms to members of the public during lock down and as far as he was aware, alcohol had not been sold at the Pitsmoor Arms during the same period. He said that his ex-girlfriend had access to CCTV and could have taken the photographs at any time and reiterated that the times and dates on the photographs did not match up to Police evidence. In response to this, James Holding said that the CCTV images had been obtained on 2<sup>nd</sup> April and shared with South Yorkshire Police on 3<sup>rd</sup> April. When asked about why he had not paid the licence fee for the Pitsmoor Arms, Mr. Greasby said that it had been an oversight and that he only became aware that it had not been paid in May. Mr Greasby confirmed to James Holding, after being asked if he had continued to sell alcohol in the time when the premises licence was under suspension, that he did do this as he was unaware of the situation with the fee.
- 4.19 Paul Greasby said he had never sold on sales during the lock down period and that each time the Police had received a report to say that he was serving, nothing was ever found and they went away satisfied. In response to questions regarding 10-15 people seen inside and outside the Staffordshire Arms and multiple pint glasses inside, Mr. Greasby said that close by there were two caravans occupied by "tarmac-ers" and they were the people seen in the vicinity probably drinking their own beer. He said that he pulled himself pints of beer to empty the kegs and probably used a clean glass each time, this thereby being the reason for the number of used glasses inside the premises. Paul Greasby said

that his premises had been raided nine times, that it had been reported on the front page of the Star newspaper and that he had received deaths threats. In response to further questions, Paul Greasby said that the day-to-day running of the Pitsmoor Arms was down to his son, that he was aware of the regulations and didn't know why he had people hiding upstairs. With regard to conflicting information from his son and partner about off-sales, he said his son had asked him for advice about off-sales and thought that he had adhered to it. He added that Louise Leggitt holds a Personal Licence so knows the rules. Paul Greasby said that he had only seen the evidence that had been presented at today's hearing the day before, and had had strong words with his son with regard to the photographs and bodycam evidence.

- 4.20 James Holding summed up on behalf of the applicants reiterating the points made in his submission.

At this stage in the proceedings, Mr. Greasby lost connection, so the meeting was adjourned until he could re-join the meeting.

- 4.21 Sean Gibbons stated that he had a complete lack of confidence in the premises being operated responsibly and safely.

- 4.22 Bill Masini summed up the case on behalf of Trading Standards and stated that he had little confidence that Mr. Greasby would adhere to Government guidance when restrictions are relaxed.

- 4.23 Emma Rhodes-Evans summed up by supporting the representations made by the other Responsible Authorities.

- 4.24 Paul Greasby summed up by stating that the argument was between himself and a women scorned, and that he was shocked at the evidence shown at the Pitsmoor Arms and now felt that he needed some professional advice. He apologised for the trouble he had caused by his actions.

- 4.25 Jayne Gough outlined the options open to the Sub-Committee.

- 4.26 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.

- 4.27 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.

- 4.28 RESOLVED: That, in the light of the information contained in the reports now submitted, and the representations now made, the premises licences in respect of the premises known as Pitsmoor Hotel, 448 Pitsmoor Road, Sheffield S3 9AY and the Staffordshire Arms, 40 Sorby Street, Sheffield, S4 7LB (Case Nos.43/20 and 42/20, respectively) be revoked.

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