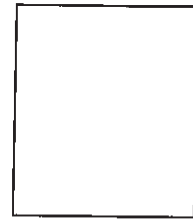




## SHEFFIELD CITY COUNCIL Committee Report



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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** Tuesday 30<sup>th</sup> May 2017

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**Subject:** Licensing Act 2003

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**Author of Report:** Jayne Gough

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**Summary:** To consider an application for the summary review of a premises licence under the Licensing Act 2003 submitted by South Yorkshire Police

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**Recommendations:** That members carefully consider the application for review along with any other representations made and take such steps that the Committee consider necessary for the promotion of the Licensing Objectives

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**Background Papers:** Attached documents

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**Category of Report:** Open

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**REPORT OF THE CHIEF LICENSING OFFICER,  
HEAD OF LICENSING, TO THE LICENSING SUB COMMITTEE**

Ref No 58/17

**LICENSING ACT 2003**

**Summary Review of Premises Licence: Serious Crime and Disorder**

**The Terminus Tavern, 150a Main Road, Darnall, Sheffield, S9 5HQ**

**1.0 PURPOSE OF REPORT**

- 1.1 To consider an application for the summary review of a premises licence made under Section 53a of the Licensing Act 2003 in relation to the premises called The Terminus Tavern, Main Road, Darnall, Sheffield, S9 5HQ.
- 1.2 A copy of the current premises licence can be found at Appendix 'A'.
- 1.3 A meeting was held on the 4<sup>th</sup> of May 2017 to give consideration as to whether it was necessary to take interim steps following the application for the summary review of the premises licence received by the Licensing Service on the 2<sup>nd</sup> May 2017. A copy of the determination notice, outlining the interim steps, which was sent to the premises licence holder on the 4<sup>th</sup> of May 2017, can be found at Appendix 'B'.
- 1.4 The premises licence holder made representations against the decision of the Licensing Sub-Committee at the meeting held on the 4<sup>th</sup> of May 2017, and therefore a further meeting was held on the 9<sup>th</sup> May 2017 to consider these representations. Prior to this meeting being held, the premises licence holder submitted her representations in a written letter, which was circulated to all parties prior to the hearing. A copy of this representation can be found at Appendix 'C'.
- 1.5 At the meeting held on the 9<sup>th</sup> of May 2017, the Licensing Sub-Committee considered the representations from the premises licence holder and upheld their previous decision to keep the interim steps in place. A copy of the determination notice for this hearing can be found at Appendix 'D'.

**2.0 THE APPLICATION**

- 2.1 The application was made by the South Yorkshire Police on 2<sup>nd</sup> May 2017.
- 2.2 The application form and certificate can be found at Appendix 'E' of this report.
- 2.3 The grounds for the review application are, that in the opinion of the Superintendent (on behalf of) Chief Officer of the Police, that the premises are associated with serious crime or disorder, or both.

**3.0 REASONS FOR REFERRAL**

- 3.1 The Licensing Authority must under the Act refer any application for review made under Section 53a, to the Licensing Committee.

3.2 The Licensing Authority has, during the representation period received representations from the following:-

a) South Yorkshire Police Appendix 'F'

3.3 The applicant, the Premises Licence Holder and any other person that has made representations have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'G'.

#### 4.0 FINANCIAL IMPLICATIONS

4.1 There are no specific financial implications arising from this application. However additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all these costs. The impact of these additional costs (if any) will be kept under review and may be subject of a further report during the year.

#### 5.0 THE LEGAL POSITION

5.1 Section 53a of the Act, as amended by the Violent Crime Reduction Act 2006 and The Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007 came into force On the 1<sup>st</sup> October 2007.

5.2 The procedure allows for a quick process of attaching interim conditions to a licence, and a fast track licence review when the police consider that the premises concerned are associated with serious crime or disorder, or both.

5.3 The Licensing Act 2003, at Section 53a requires that the Licensing Authority must:

- Hold a hearing to consider the application for review and any relevant representations;
- Take such steps mentioned in subsection (3) (if any) as it considers necessary for the promotion of the Licensing Objectives;
- Secure that, in the coming into effect of the decision made on the determination of the review, any interim steps having effect pending that determination cease to have effect (except so far as they are comprised in steps taken in accordance with paragraph (b))

5.4 Section 53C(3) states:

"The steps are:

- a) The modification of the conditions of the premises licence;
- b) The exclusion of a licensable activity from the scope of the licence;
- c) The removal of the designated premises supervisor from the licence;
- d) The suspension of the licence for a period not exceeding three months; or
- e) The revocation the premises licence;

(4) for this purpose of subsection (3) (a) the conditions of a premises licence are modified if any of them is altered or omitted, or any new condition added."

5.5 If members decide to take the steps referred to in (a) or (b) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months).

5.6 The Licensing Act 2003 at section 53C(11) states that:

“A decision under this section does not have full effect until –

- a) the end of the period given for appealing against the decision, or
- b) if the decision is appealed against, until the appeal is disposed of.”

5.7 The Licensing Act 2003 at section 4(1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as: -

- a) the prevention of crime and disorder,
- b) public safety,
- c) the prevention of public nuisance,
- d) the protection of children from harm.

5.8 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published Statement of Licensing Policy and any guidance issued by the Secretary of State under Section 182.

## **6.0 HEARINGS REGULATIONS**

6.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.

6.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix ‘G’.

6.3 Attached at Appendix ‘G’ is the following: -

- a) a copy of the Notice of Hearing;
- b) the rights of a party provided in Regulations 15 and 16;
- c) the consequences if a party does not attend or is not represented at the hearing
- d) the procedure to be followed at the hearing.

## **7.0 APPEALS**

7.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant; the holder of the premises licence and those making representations against decisions of the Licensing Authority to the Magistrates Court.

## **8.0 RECOMMENDATIONS**

8.1 That members carefully consider the application for review along with any other representations made, and take such steps as detailed in paragraph 5.4 above that the Committee consider necessary for the promotion of the Licensing Objectives.

## 9.0 OPTIONS OPEN TO THE COMMITTEE

- 9.1
- a) modify the conditions of the licence;
  - b) exclude a licensable activity from the scope of the licence;
  - c) remove the designated premises supervisor;
  - d) suspend the licence for a period not exceeding three months;
  - e) revoke the licence;

*Steve Lonnia*

Steve Lonnia,  
Chief Licensing Officer, Head of Licensing  
Business Strategy and Regulation  
Place Portfolio  
Block C, Staniforth Road Depot  
Sheffield  
S9 3HD.

30<sup>th</sup> May 2017

# Appendix A

Current Premises Licence

**THE LICENSING ACT 2003**

**Premises Licence No: SY 0089 PR      ISSUE NO: 9.**

**The Sheffield City Council being the Licensing Authority under the above Act, hereby grant this licence in accordance with the requirements of the Licensing Act 2003 in respect of and subject to the conditions attached:**

**PART 1 – Premises details**

Terminus Tavern  
150a Main Road  
Sheffield  
S9 5HQ

**Telephone Number: 0114 249 3494**

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities:**

**1. Provision of regulated entertainment:**

**Recorded Music**

Indoors

Sunday	12:00 to 22:50 hours
Monday - Saturday	10:00 to 23:20 hours
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to 23:20 hours
Christmas Day (25.12)	12:00 to 15:20 and 19:00 to 22:50 hours

**2. Sale by retail of alcohol**

- a) for consumption on the premises
- b) for consumption off the premises

Sunday	12:00 to 22:30 hours
Monday - Saturday	10:00 to 23:00 hours
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to 23:00 hours
Christmas Day (25.12)	12:00 to 15:00 and 19:00 to 22:30 hours

N.B. See Annex 2 for further restrictions on hours including Good Friday and where New Years Eve falls on a Sunday.

**The opening hours of the premises are**

Sunday	12:00 to 22:50 hours
Monday - Saturday	10:00 to 23:20 hours
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to 23:20 hours
Christmas Day (25.12)	12:00 to 15:20 and 19:00 to 22:50 hours

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Sale by retail of alcohol for consumption both on and off the premises.

**PLEASE NOTE:**

In the event, that the hours permitted on this premises licence differ from those authorised on your planning consent, you **MUST ONLY** operate to which ever is the most restrictive permission.

Both Licensing and Planning carry out enforcement activities and if you are found to be in breach of either your premises licence and / or your planning consent, it may result in legal action being taken against you.

**PART 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:**

Mrs Tansy Bagshaw  
36 Maltravers Terrace  
Wybourn  
Sheffield  
S2 5FL

**Telephone Number:** 07765377585

**Registered number of holder, for example company number, charity number (where applicable):**

N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Darroll Palmer  
27a Manor Park Centre  
Sheffield  
S2 1WE.

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Personal Licence Number:** SY 5018 Per  
**Issuing Authority:** Sheffield City Council

**State whether access to the premises by children is restricted or prohibited:**

Prohibited

**This Premises Licence shall be in force from the 24 November 2005.**



Issued on: 15 July 2005.

*Steve Lonnia*

.....  
Steve Lonnia  
Chief Licensing Officer  
Head of Licensing Services  
On behalf of Sheffield City Council (issuing licensing authority)

Sheffield City Council – For Office use only	
Variation of Premises Licence	
Variation of DPS	No: 6 Issue Date: 01/04/2015
Transfer of Premises Licence	No: 3 Issue Date: 16/08/2013
Minor Variation	
Change of Name/Address	
Amendment to Premises Licence	
Review	No: 2 Issue Date: 01/04/2015
Summary Review	

## **Annex 1A – Mandatory Conditions**

### **Mandatory Condition 1 (Section 19 ss 2)**

Where a licence authorises the sale of alcohol then no supply of alcohol may be made under the premises licence –

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (a) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

### **Mandatory Condition 2 (Section 19 ss 3)**

Where a licence authorises the sale of alcohol then every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Mandatory Condition 3 (Section 20)**

1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:
  - (a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).
  - (a) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.
2. In this section -
  - “children” means persons aged under 18; and
  - “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

### **Mandatory Condition 4 (Section 21)**

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

## **Annex 1B - Mandatory Conditions effective from 6<sup>th</sup> April 2010:**

**These mandatory conditions apply where the licence authorises the supply of alcohol. The conditions in paragraph 1 to 3 do not apply where the licence authorises the sale by retail or supply of alcohol only for consumption off the premises.**

1.
  - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
  - (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

**Annex 1C - Mandatory Conditions effective from 1<sup>st</sup> October 2014:**

- 1.—(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.—
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Annex 2 – Conditions consistent with the operating schedule**

Any embedded permissions and restrictions attached to the justices on/off licence including those specified at Appendix 1.

1. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

1. The DPS is to become an active member of the 'Sheffield Licence Watch' and any localised sub groups. To attend all meetings unless this is impractical after taking all reasonable steps.
2. The challenge 25 procedure is to be operated by all staff and all systems to be in place as set in the multi agency guidance criteria for a recognised proof of age scheme.
3. All staff are to be trained to operate the scheme set out in condition 2 above. Content of the training is to comply with the recommendations set out in the criteria for a recognised proof of age scheme including maintenance of staff training records. Staff training records are to be available to the responsible authorities on request, this includes a refusals log.
4. To display relevant posters and information relating to the supply of alcohol to underage customers in prominent positions that are visible both inside and outside the premises and at the point of sale.
5. A colour CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times the premises are open. CCTV images will be stored for 28 days. Police will be given access to and copies of images for purposes in connection with the prevention of Crime and Disorder.
6. Signage indicating restrictions to the children's access to the premises must be displayed.
7. An incident book must be maintained and made available upon request for inspection by the responsible authorities under the Licensing Act 2003. This book should record the discovery and disposal procedures in relation to substance misuse paraphernalia.
8. Zero tolerance posters/signage is to be prominently displayed throughout the premises.
9. Throughout the opening hours, staff will patrol all public areas at the premises at a minimum of once per hour, including toilet areas to monitor the environment for drug use/dealing, dangerous or inappropriate behaviour. Incidents will be recorded in the incident book and any criminal behaviour will be reported to the police. Signage will be displayed on toilet doors to indicate that regular checks are being made.
10. A children's safeguarder will be assigned to the premises. This person must attend the training provided by the SSCB and comply with the guidance issued by the SSCB.
11. A Children and Young People's Risk assessment must be completed in writing and retained as part of the premises management's due diligence records. A risk assessment tool has been provided. Risks identified in this process will inform the premises policy regarding access to children, prior to 17:00 hours.
12. All drinks will be decanted into polycarbonate vessels prior to being taken outside for consumption.

13. Staff will familiarise themselves with details of the violent incident protocol and this will be used as appropriate with immediate effect.

14. Drinking outside the front of the pub must cease and chairs must not be taken out of the pub to the front pavement by customers and staff.

15. There will be a designated children's area approved by the SSCB and Health Protection Service.

Conditions attached after a hearing by the licensing authority – 9<sup>th</sup> October 2014

1. Access to all parts of the premises to persons under the age of 18 will be prohibited at all times.

A10

**Annex 4 – Plans**

Terminus Tavern 150a Main Road  
Plan Ref: 2107:001



All

**Appendix 1**

**LICENSING ACT 2003****Premises Licence Summary****ISSUE NO: 9.**

The Sheffield City Council being the Licensing Authority under the above Act hereby issue this Premises Licence Summary in respect of:

**Premises licence number      SY 0089 PR**

Terminus Tavern  
150a Main Road  
Sheffield  
S9 5HQ

**Telephone Number: 0114 249 3494**

**Licensable activities authorised by the licence:****1. Provision of regulated entertainment:****Recorded Music**

Indoors

Sunday	12:00 to 22:50 hours
Monday - Saturday	10:00 to 23:20 hours
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to 23:20 hours
Christmas Day (25.12)	12:00 to 15:20 and 19:00 to 22:50 hours

**2. Sale by retail of alcohol**

a) for consumption on the premises

b) for consumption off the premises

Sunday	12:00 to 22:30 hours
Monday - Saturday	10:00 to 23:00 hours
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to 23:00 hours
Christmas Day (25.12)	12:00 to 15:00 and 19:00 to 22:30 hours

N.B. See Annex 2 for further restrictions on hours including Good Friday and where New Years Eve falls on a Sunday.

**The opening hours of the premises are**

Sunday	12:00 to 22:50 hours
Monday - Saturday	10:00 to 23:20 hours
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to 23:20 hours
Christmas Day (25.12)	12:00 to 15:20 and 19:00 to 22:50 hours

**PLEASE NOTE:**

In the event, that the hours permitted on this premises licence differ from those authorised on your planning consent, you **MUST ONLY** operate to which ever is the most restrictive permission.

Both Licensing and Planning carry out enforcement activities and if you are found to be in breach of either your premises licence and / or your planning consent, it may result in legal action being taken against you.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies:**

Sale by retail of alcohol for consumption both on and off the premises.

**Name, (registered) address of holder of premises licence:**

Mrs Tansy Bagshaw  
36 Maltravers Terrace  
Wybourn  
Sheffield  
S2 5FL

**Telephone:** 07765377585

**Registered number of holder, for example company number, charity number (where applicable):**

N/A

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Darroll Palmer

**State whether access to the premises by children is restricted or prohibited:**

Prohibited

**The Premises Licence shall be in force from 24 November 2005.**

**Issued on: 15 July 2005.**



.....  
**Steve Lonnia**  
**Chief Licensing Officer**  
**Head of Licensing Services**  
**On behalf of Sheffield City Council (issuing licensing authority)**

# Appendix B

## Interim Steps Determination Notice

# Sheffield City Council



## Licensing Sub- Committee Decision

Record of proceedings of Sheffield City Council Licensing Sub Committee hearing held on 4<sup>th</sup> May 2017

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Full name of Applicant:

South Yorkshire Police

Premises address:

Terminus Tavern

150a Main Road,

Sheffield

S9 5HQ

### Decision of the Licensing Sub Committee – 4<sup>th</sup> May 2017 Terminus Tavern, 150a Main Road, Sheffield, S9 5HQ

This was a meeting to consider whether or not interim steps under section 53B of the Licensing Act 2003 are necessary, pending the determination of the review applied for.

South Yorkshire Police submitted an application for summary review with the required certificate on 2<sup>nd</sup> May 2017.

The application is made by the Chief Officer of Police who is of the opinion the premises are associated with serious crime.

Members considered the application and the incident which led to the summary review being submitted. Police were called to the Terminus Tavern pub at 23.04 on Sunday 30<sup>th</sup> April 2017 where two injured males were discovered on arrival. One had a severe slash wound to the face and head and the other a head injury after having been hit with a hammer.

The attacks took place simultaneously- one just outside the pub as he was about to leave in a taxi, and the other whilst standing at the bar. Although neither victim is willing to make a formal complaint, police have identified the suspects and are actively searching for them. It is believed that the attacks were linked to local family disputes.

The premises were voluntarily closed by the Premises Licence Holder, Tansy Bagshaw, upon police arrival; it is unknown as to whether the premises remain closed. The incidents were captured on CCTV although it was noted by the police that Ms Bagshaw could not download the footage and was unable to operate the system. No staff members contacted the police to report the incidents.

The premises were subject to a licence review in 2014 whereby the licence conditions were amended. Since this time, 2 further incidents were reported in 2015, 4 in 2016 and 2 so far in 2017 with a combination of assaults and rowdy behaviour being reported.

It is the opinion of the police that the licence conditions are still not being adhered to and they have raised concerns in relation to the management of the premises in promoting the licence objectives and complying with the conditions.

Members considered the application as a whole and looked at the most recent incident and determined that there was evidence to show that the premises are associated with serious crime.

Members decided that, based upon the evidence provided, it was necessary to take interim steps in order to promote the licensing objectives. Members then considered what steps to take and looked at whether or not conditions could be imposed which would deal with the problems immediately.

Members considered that the most recent incident constituted a serious offence and did not feel that any conditions imposed could deal with the problems immediately. It was therefore decided that suspension of all licensable activities pending the full review was the appropriate and proportionate interim step required to be taken in this instance.

The premises licence holder may make representations against the interim steps taken by the Licensing authority. There is no time limit for making representations and on receipt of the representations the Licensing Authority must hold a hearing within 48 hours of receipt. (Please note that only working days are counted in the 48 hour period).

Licensing Sub Committee  
May 4<sup>th</sup> 2017

# Appendix C

Premises Licence Holder  
Interim Steps representations



Tansy Bagshaw  
Terminus Tavern  
150a Main Road  
Sheffield  
S9 5HQ

Dear Sir/Madam,

I am writing in regards to your meeting on the 4<sup>th</sup> May where the decision was made to close our Pub (The Terminus Tavern) as you considered the premises to be associated with serious crimes.

On Sunday 30<sup>th</sup> April we had prize giving event for own football team, it was also a celebration for Sheffield united been promoted. The pub was relativity busy (although there were nowhere near a 100 people present at one time) with our regular customers and around 4 young men who were unknown to us, so I made sure that bar staff were aware of the strangers and we kept a close eye on them all day/evening. The 4 young men in question were in good spirits and joined in with our celebrations, dancing and videoing which gave us no cause for concern at the time.

The previous week we had a party for a regular customer [REDACTED] who was celebrating his 50<sup>th</sup> Birthday. His Daughters attended the party, their partners and their friends arrived to the party later in the evening (these men were unknown to us). Shortly after last orders were called a fight broke out between the group of lads that arrived late, the fight did not involve any of our regular customers. I instructed bar staff to ring police while I tried to disperse these young men and try to remove them from my property. They were throwing glasses and we ushered as many people as we could into the kitchen area and the pool room where they could be safe. I was unable to physically remove these people as they were throwing objects. I have recently learnt that the main lad who started the incident is [REDACTED] a well done trouble maker who is known for guns and knives and it is known that only a few weeks ago he shot himself. If I had known this on the night I would not have let them on the premises. On the night I asked one of [REDACTED] Daughters who the strangers were, I was assured they are ok as they were her boyfriend and his friends.

As the above happened the week before, we took precautions on Sunday 30<sup>th</sup> May to make sure we were aware of any stranger's coming onto the premises, myself and bar staff regular walked around the pub, garden and toilets to make sure nothing suspicious was going on. As I mentioned early we kept a close eye on the 4 young strangers due to the incident the week before. I also called last orders early at 10.15pm and told the D.J to stop playing music by 10.45pm, as the customers quickly leave if the music has stopped.

The man who was hit by the hammer has been in our pub a few times but is not a regular. He has never given us any reason to believe he would be involved in any trouble as the few times he has been on the pub he has kept himself to himself and just quietly enjoyed his drink. He came into the pub later in evening. Around 10.55-11.05 I was cleaning glasses away etc and most people were exiting the pub when someone shouted to me 'Tansy its kicking off', I looked up and over the bar and saw a man I know as [REDACTED] laid on the floor with a pool of blood around his head, I instantly



told my bar staff [redacted] to ring the police, which she did. I also shouted to a few customers to ring an ambulance as I was getting towels and cloths to pass to [redacted] a regular customer who is a nurse. [redacted] and was administrating first aid to the victim of the attack. At the same time I noticed the 4 young men trying to push their way back into the pub. Customers were trying to prevent them from entering to cause more disruption by holding the door with their bodies and arms. The 4 young men eventually managed to push their way into the pub, we then saw that one of them was holding a knife and freely waving it about to our customers.

It is clear on the CCTV footage that customers tried to restrain the man who committed the hammer attack. This man has never set foot in our pub and was not in on the evening in question, we have been lead to believe that this was a targeted attack on the customer I know as [redacted] as some kind of family dispute.

Since this event I have spoken to several customers and watched the CCTV over and over and I can't see how I could have prevented these incidents from happening. There was no build up to the incident and it does not appear to have been alcohol related.

The 4 young lads were obviously involved with the man who attacked with the hammer as they were the ones pushing their way through the front doors and brandishing a knife while one of them tried to get the man with hammer out of the front doors.

The young men in question can be seen outside the pub (we believed they had gone) handed something over to the man who attacked with the hammer. The man with the hammer marches towards the pub doors where one of our regular customers [redacted] goes to approach him as he sees something in his hand and is concerned, before he reaches him, one of the 4 lads in question knocks him off the step and he falls backwards, then another one of the 4 lads goes to kick him. [redacted] a very good friend of [redacted] was in the taxi just about to leave to go home, when he saw [redacted] thrown to floor. He gets out of the taxi to approach the men who are responsible, before he even got close to them, the young lad lashed out and slashed him across his face and arm with a knife. [redacted] stumbles backwards holding his face unaware he had been cut. He then tries to enter the pub, but customers are holding the door to stop the 4 young men entering. [redacted] girlfriend is pushing the door open and gets her head stuck, someone realises its [redacted] and lets her in and then [redacted] walked in behind her. People are unaware of [redacted] injuries as everyone is attending to [redacted] on the floor who was unconscious and bleeding from his head. [redacted] then goes into the kitchen as he realises he his bleeding from his face. More customers continue to ring the ambulance service as more minutes pass waiting for the arrival of the police and ambulance. Myself and [redacted] (nurse) were panicking as she couldn't stop the bleeding.

I understand the seriousness of this crime and we have zero tolerance with this kind of behaviour. We know we have had a few minor incidents in the past, but we have always barred for life anyone that causes any kind of disturbance on our premises and we try to implement safety precautions at all time. We have a lovely set of regular customers and don't know how we could have prevented this incident from happening. We were aware of the strangers and monitored them all night, they gave no warning or signs that they were going to cause trouble. As far as I was aware they had left the premises and the night had passed off peacefully. The man with hammer had not been drinking in our pub and I don't how we could have predicted that he would barge in with a hammer and attack a customer. As far as I am aware this incident was the first and only time the attacker had been on our premises. We have now been lead to believe that the two men, the man with the

C3

hammer and the man known to us as [REDACTED] (who was attacked) have some kind of family dispute and that some of the 4 young men know the man with the hammer. We believe this was targeted attack and the 4 young men were in waiting for [REDACTED] to arrive so they could ring the man with the hammer as he appeared to know exactly where [REDACTED] was stood.

The police and ambulance took 24 minutes to arrive. We were trying to restrain the man with hammer and also trying to keep 3 of the lads inside the pub until the police arrived, but when one has a knife you can't expect anyone to get to close. The three young lads ran through the back garden door, the other young lad was trying to grab the man with hammer who had been restrained on the floor. When the young lads managed to get back in the pub

The police mentioned that I could not operate the CCTV, this is incorrect, I can operate the CCTV and I showed the police that same night, however I don't have the ability to download the footage as I believed that only the police could take this.

On the Monday morning (5<sup>th</sup>) my business partner [REDACTED] came to the premises with his wife [REDACTED] to sort change out for the till. Two CID were already in and they asked [REDACTED] and [REDACTED] if they could operate the CCTV which they can't as they don't work on the premises. Only myself and bar staff can operate the system. While talking about the previous night's events, the CID man said to [REDACTED] that 'there's not often much trouble in here'.

We did not consider security on the doors on the night of the incident as the week before was an isolated incident involving strangers. That's why on the Sunday when the stranger's arrived we paid extra close attention to them, so that should there have been any disruption we would have been aware immediately and resolve it by removing them from the pub. However, as mentioned before they just joined in our celebrations and caused no trouble at all, they were not aggressive or even extremely drunk, they seemed to be just having a good time and then and even thanked us for a great night as they left.

Our Pub is the only pub left on Darnall and we have adhered to all our conditions set by the Licensing board. We admit we have had a few incidents, but any of the people involved in these incidents have been barred as we do not want this kind of custom.

Since closing I have had lots of messages and phone calls all asking if we are opening back up as my regular customers are devastated that we have had to close because a few isolated incidents caused by strangers. We have a fabulous group of customers of all ages and sexes. Terminus Tavern is a great pub with a great atmosphere and rarely have incidents like this. We never hold 18<sup>th</sup> or 21<sup>st</sup> Birthday Parties as we don't know what type of clientele will arrive. If any parties are held it's the same customers who attend as it's usually a regular customers celebration.

I find it totally unfair that our faithful regular customers have to suffer because of situations out of control. I would welcome any advice from you to as how I could have dealt with this targeted attack? I believe that other pubs in the area have had a lot more serious crimes committed in a short space of time and their premises have not had to close, therefore I am baffled as to why we had to close before our appeal?

The police state they believe our pub is associated with serious crimes, although I don't dispute the events on Sunday the 4<sup>th</sup> April were serious, I don't believe that our pub has many serious crimes committed and that our customers are criminals. Our pub did not cause or contribute to this incident. The majority of our customers are elderly, they frequent our pub daily and have never ever witnessed any problems or anti-social behaviour. Anyone locally known to be a trouble maker are not allowed on our premises. We have a very close relationship with our regular customers and if they know of any trouble makers they let us know as they too do not wish to have them in the pub. It's a community pub.

The man we know as [redacted] (who was attacked with hammer) is not known locally to us or our customers, but we will not be allowing him back on the premises as he obviously has some grievance with some bad people which we had no knowledge of.

I must apologise if my letter seems a bit rambling and disjointed, but as you can imagine the incident has shaken me up and this has been made worse by your decision to close our pub. I would like to state that I believe our staff and regular customers deserve praise for how they reacted when confronted by this violent incident. Our regular customers not only attended to the victim providing vital first aid, but they also put themselves at risk by making efforts to restrain the attacker and prevent the 4 young men re-entering the pub. It is my strong belief that The Terminus Tavern has been unfairly treated by your decision to close its doors and I am a bit confused as to how the decision was made. I can only think that this decision is based upon some underlying bias/prejudice to the Darnall area of Sheffield, were we located in some more affluent area I am sure this decision would not have been made. The Terminus Tavern is the only pub left in Darnall and has such serves as a vital hub to local residents and is the centre of many local events / celebrations which pass off without incident. I understand the Terminus Tavern will not be to everyone's taste and is very much a pub in the old working class style of years gone by, but to say it is a public house associated with crime and/or serious disorder is a gross exaggeration and I cannot help but feel there is some ulterior motive to the pub's closure.

Would it be possible to obtain details on serious incidents that have occurred in public houses within Sheffield over the past 3 years so that a balanced and fair decision can be made on our case? (Would I have to make a freedom of information request to the police for this?). I am not asking for special consideration, but just want a level playing field and not to be instantly judged on the basis of where our pub is located.

Yours Faithfully

Tansy Bagshaw

# Appendix D

Objection to Interim Steps Hearing  
Determination Notice

### Decision of the Licensing Sub-Committee – 9<sup>th</sup> May 2017 –Terminus Tavern

This was a meeting to consider whether or not the interim steps imposed on 4<sup>th</sup> May under section 53B of the Licensing Act 2003 are necessary pending the determination of the review applied for.

South Yorkshire Police submitted an interim steps application with the required certificate on 2<sup>nd</sup> May 2017.

On the 4<sup>th</sup> May 2017 Members considered the certificate and determined that it was necessary to suspend the licence pending the review of the licence.

On 5<sup>th</sup> May, Tansy Bagshaw, Premises Licence Holder, made representations against these interim steps and as such a hearing was held on 9<sup>th</sup> May.

Present at the hearing were representatives of Terminus Tavern and South Yorkshire Police.

Members heard from the premises that the incident that triggered the summary review was a family feud. The attacker had not been in the premises prior to the attack but it is suspected that he was informed by four 'youths' that had been in the premises all day but had not been seen by them before. The premises stated that they did call the police and customers in the premises also called. It was submitted to Members' that the premises is not a rowdy pub but that, because of its location, it has a bad reputation. It is instead a friendly, community pub and the last in the area.

The premises stated that they don't feel that they could have prevented the incident, nor foreseen it, and wherever the victim was that day they feel that he would have been attacked.

Members heard from South Yorkshire Police who stated that investigations were currently ongoing and they had no more information to add to the application for summary review. They are not able to confirm whether or not the incident was the result of a family feud at this time and the facts as submitted have not changed.

Members considered the certificate and all the information provided by the parties, both orally and in writing, and decided that, on the evidence, it was necessary to impose interim steps in order to promote the licensing objectives. They considered the most recent incident and determined that it showed that on its own it shows that the premises is associated with serious crime and serious disorder. Members also had regard to the written evidence of both parties which details additional incidents. Members looked at the original decision to suspend the premises licence and determined that it was necessary and proportionate to keep this suspension in place until the full review hearing.

# Appendix E

Summary Review Application and  
Certificate



South Yorkshire  
**POLICE**

E1

The Licensing Service  
Block C  
Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD



Date: 2<sup>ND</sup> May 2017

Dear Sir/Madam

**Re – Terminus Tavern, 150a Main Road, Darnall, Sheffield, S9 5HQ**

Please find enclosed, from South Yorkshire Police, The Application for the Review of a Premises License under section 53a of the Licensing Act 2003 and certificate as required.

If you have any queries please do not hesitate to contact.

Yours faithfully

*C. J. Topham*

SYP Licensing Team, Force HQ, Carbrook House, 5 Carbrook Hall Road.

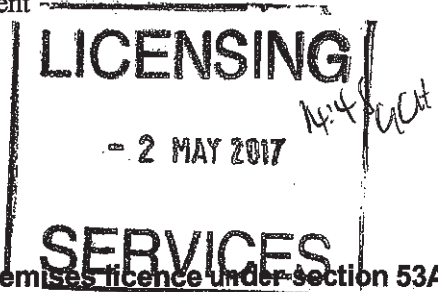
E mail address – [Sheffield.liquour-licensing@southyorks.pnn.police.uk](mailto:Sheffield.liquour-licensing@southyorks.pnn.police.uk)

Tel - (0114) 2523163

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Sheffield City Council Licensing Department  
Staniforth Road  
Sheffield



Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

I Superintendent [on behalf of] the chief officer of police for the South Yorkshire police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:  
**Terminus Tavern  
150a Main Road  
Darnall**  
  
Post town: Sheffield  
  
Post code (if known): **S9 5HQ**

2. Premises licence details:

Name of premises licence holder (if known): Mrs Tansy Bagshaw  
Number of premises licence holder (if known): SY 0089 PR

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read



guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

**The premises has recently been the location of a serious crime, the circumstances are as follows:-**

**At 2304 on Sunday 30th April 2017 Police were called to the premises by Ambulance control who stated they were attending at least two casualties, one of which had been slashed with a knife. Ambulance control confirmed they had received eight calls from the scene and were standing off until police were on scene due to the risk potentially posed on them.**

**On officers arrival they discovered two injured males, one of which had a severe slash wound to his face and head, and the other with a head injury after being hit on the head with a hammer.**

**After speaking to many witnesses, officers were told there had been a prize giving evening for the pubs football team and also to celebrate the recent promotion of Sheffield Utd. There was approximately 100 people present.**

**The two victims were attacked simultaneously, one just outside the pub as he was about to leave in a taxi and the second male was attacked whilst standing at the bar. Police have been told the attacks are linked to family disputes.**

**CCTV shows two males approaching the pub where they meet just outside and one hands the other an object, possibly the hammer. One of the suspects then approaches one of the victims, a 32 year old male who is stood outside, and slashes him across the face and arm. At the same time the second suspect, enters the pub and strikes the second victim, a 41 year old male, over the top of the head with a hammer. Both suspects then end up in the premises where there is a scuffle between the suspects and other customers inside. It is believed the suspects then leave via the rear door of the pub. There is also a third potential victim, who is believed to have been punched outside the pub by one of the suspects. This person had already left the scene on police arrival and is still to be identified.**

**On police arrival the premises was voluntarily closed by the Premises License Holder, Tansy Bagshaw. Two scenes were identified by officers, the premises itself and the yard at the rear of a house at the side of the pub. The second scene was identified due to the weapon (hammer) being found in a bin in the yard.**

**CCTV was checked at the Terminus and it did capture the assaults. However, at the time Ms Bagshaw could not download the footage as she was unable to operate the system. She did confirm that the footage saves for 28 days, however it will require specialist officers to attend to download. Stills were taken from the CCTV monitor of the suspects, by officers at the scene.**

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

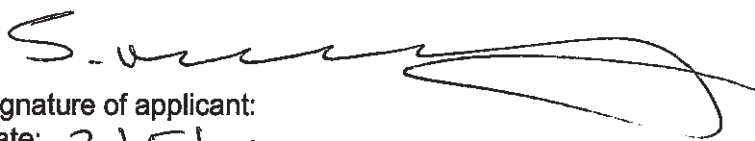
Serious disorder is not defined in legislation, and so bears its ordinary English

A Police Statement was given by a member of bar staff who witnessed the incident. There was also 10 other people spoken to who gave their details as witnesses, however, none of these are prepared to give statements at this time.

At this time both suspects are still outstanding and neither victim is wanting to make formal complaints to the police. One of the victims was said to be very anti-police. However, both suspects have been identified and police are actively searching for them.

This premises license was last reviewed in 2014 due to there being concerns over children having access to the premises and being in there when incidents have happened. Since the license was last reviewed there were two incidents reported in 2015, four in 2016 and two so far in 2017. These incidents were a combination of assaults and rowdy behaviour. I am still concerned that some of the conditions which are on this license are not being adhered to. The management of the premises cannot download CCTV footage, nor did any staff member call the police. This incident may also have been avoided had there been some thought and consideration put into providing security on the doors.

The above information is submitted for consideration due to the seriousness of this incident and South Yorkshire Police would be looking to the Licensing Board Committee to take appropriate action in the interim period.



Signature of applicant:  
Date: 21/5/17  
Capacity: Superintendent

Contact details for matters concerning this application:  
Address: South Yorkshire Police Licensing Department, Force Headquarters,  
Carbrook House, 5 Carbrook Hall Road, Sheffield, S9 2EH.

Telephone number(s): 0114 2523618

Email: sheffield.liquor-licensing@southyorks.pnn.police.uk

EL

meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

## ANNEX B

South Yorkshire Police  
Force HQ  
Carbrook House  
5 Carbrook Hall Road  
Sheffield  
S9 2EH

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder<sup>1</sup>.

*Premises<sup>2</sup>:*

Terminus Tavern  
150 Main Road  
Darnall  
Sheffield  
S9 5HQ

Premises licence number (if known): SY 0089 PR

Name of premises supervisor (if known): Mr Darroll Palmer

I am a Superintendent<sup>3</sup> in the South Yorkshire police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because<sup>4</sup>:

The premises has recently been the location of a serious crime, the circumstances are as follows:-

At 2304 on Sunday 30<sup>th</sup> April 2017 Police were called to the premises by Ambulance control who stated they were attending at least two casualties, one of which had been slashed with a knife. Ambulance control confirmed they had

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<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

<sup>3</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>4</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

received eight calls from the scene and were standing off until police were on scene due to the risk potentially posed on them.

On officers arrival they discovered two injured males, one of which had a severe slash wound to his face and head, and the other with a head injury after being hit on the head with a hammer.

After speaking to many witnesses, officers were told there had been a prize giving evening for the pubs football team and also to celebrate the recent promotion of Sheffield Utd. There was approximately 100 people present.

The two victims were attacked simultaneously, one just outside the pub as he was about to leave in a taxi and the second male was attacked whilst standing at the bar. Police have been told the attacks are linked to family disputes.

CCTV shows two males approaching the pub where they meet just outside and one hands the other an object, possibly the hammer. One of the suspects then approaches one of the victims, a 32 year old male who is stood outside, and slashes him across the face and arm. At the same time the second suspect, enters the pub and strikes the second victim, a 41 year old male, over the top of the head with a hammer. Both suspects then end up in the premises where there is a scuffle between the suspects and other customers inside. It is believed the suspects then leave via the rear door of the pub. There is also a third potential victim, who is believed to have been punched outside the pub by one of the suspects. This person had already left the scene on police arrival and is still to be identified.

On police arrival the premises was voluntarily closed by the Premises License Holder, Tansy Bagshaw. Two scenes were identified by officers, the premises itself and the yard at the rear of a house at the side of the pub. The second scene was identified due to the weapon (hammer) being found in a bin in the yard.

CCTV was checked at the Terminus and it did capture the assaults. However, at the time Ms Bagshaw could not download the footage as she was unable to operate the system. She did confirm that the footage saves for 28 days, however it will require specialist officers to attend to download. Stills were taken from the CCTV monitor of the suspects, by officers at the scene.

A Police Statement was given by a member of bar staff who witnessed the incident. There was also 10 other people spoken to who gave their details as witnesses, however, none of these are prepared to give statements at this time.

At this time both suspects are still outstanding and neither victim is wanting to make formal complaints to the police. One of the victims was said to be very anti-police. However, both suspects have been identified and police are actively searching for them.

This premises license was last reviewed in 2014 due to there being concerns over children having access to the premises and being in there when incidents have happened. Since the license was last reviewed there were two incidents reported in 2015, four in 2016 and two so far in 2017. These incidents were a combination of assaults and rowdy behaviour. I am still concerned that some of the conditions which are on this license are not being adhered to. The management of the premises cannot download CCTV footage, nor did any staff

E9

member call the police. This incident may also have been avoided had there been some thought and consideration put into providing security on the doors.

The above information is submitted for consideration due to the seriousness of this incident and South Yorkshire Police would be looking to the Licensing Board Committee to take appropriate action in the interim period.

S. Ormerod 2/5/17  
-----  
(Signed) (Date)

E10



The Licensing Service  
Block C  
Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD

Date: 15<sup>th</sup> May 2017

Dear Sir/Madam

**Re – Terminus Tavern, 150a Main Road, Darnall, Sheffield**

Please find enclosed by way of service, additional papers from South Yorkshire Police in relation to the Summary Review application and certificate.

I also have some photographs of injuries to the victims to show but these will need to be shown in closed session.

Unfortunately I cannot confirm at this time who will be attending the hearing on behalf of SYP. This can be confirmed nearer to the date.

If you have any queries please do not hesitate to contact.

Yours faithfully

CJ Topham

SYP Licensing Team, Force HQ, Carbrook House, 5 Carbrook Hall Road.

E mail address – [Sheffield.liquour-licensing@southyorks.pnn.police.uk](mailto:Sheffield.liquour-licensing@southyorks.pnn.police.uk)

Tel - (0114) 2523163



# Appendix F

South Yorkshire Police  
Representations and Evidence

f1

Re: Terminus Tavern, 150a Main Road, Darnall, Sheffield, S9 5HQ

**INDEX TO BUNDLE OF DOCUMENTS**

**Compiled on 15<sup>TH</sup> May 2017**

	<b>DOCUMENT</b>	<b>REF</b>
1.	Application and certificate for Summary License Review	Dated 2/5/17
2.	Witness statement / Chronology by Licensing Enforcement Officer Cheryl Topham	Includes all incidents / visits
3.	Community Impact Statement by Acting Police Inspector Joe Hunt	Dated 15/5/17
4.		
5.		
6.		

**BETWEEN**

**SOUTH YORKSHIRE POLICE**

Complainant

- and -

**Terminus Tavern, 150 Main Road, Darnall, Sheffield**

**Ms Tansy Bagshaw (PLH)**

**Mr Darroll Palmer (DPS)**

Respondent

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**WITNESS STATEMENT OF**

**Cheryl Topham**

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I am the Licensing Enforcement Officer, employed by South Yorkshire Police currently based at Force Headquarters, Carbrook, Sheffield. I have been in my current role as Licensing Enforcement Officer for South Yorkshire Police for approximately 20 months. Following a very serious incident on 30<sup>th</sup> April 2017, I have made enquiries of police records available to me in connection with these premises. The premises has been a cause for concern intermittently for the last few years. South Yorkshire Police applied to review the premises in 2013 and again in 2014. Therefore, I am including everything in relation to the premises since it was last reviewed and this will highlight that there has been a steady increase in incidents, the last one being the trigger for the Expedited Review. The following matters have come to my attention..

- 1 At 18:00 on Tuesday 2<sup>nd</sup> December 2014 two police officers attended the premises on the request of Licensing staff on a routine pre- Christmas visit to establish if the pub had any events on over the festive period. The DPS

was not present. However, there were a group of very drunk males in the pub who were still being served even though they had quite clearly had too much already. The bar staff were told to refuse any more service to these individuals and requested the males to leave.

- 2 At 20:49 on Tuesday 23<sup>rd</sup> December 2014, a female customer called the police reporting 30-40 people fighting and throwing bottles. There was sounds of a disturbance in the background of the call. There were then two further calls relating to the same incident, however, no staff reported it. Officers arrived five minutes later and found a large group stood outside but the fighting appeared to be over. The Licensee told officers there had been a "scuffle" started by one unknown male who had now left. No further police action was taken.
- 3 At 22:49 on 31<sup>st</sup> December 2014 (New Years Eve) there was a phone call to police by a customer who said "it's all kicking off big time" and requested lots of police officers as there were loads of people there. Twelve minutes later when police arrived they were told a group of males had turned up and been refused entry as it was a private party. No further action taken.
- 4 At 22:59 on Saturday 24<sup>th</sup> January 2015 a local resident called the police to say there was lots of shouting from outside the pub. The caller couldn't see any fighting but concerned due to the level of shouting. The police arrived 22 minutes later to find three men there but advised the people who had been shouting had already left.
- 5 On 4<sup>th</sup> February 2015 Tansy Bagshaw, the Premise License Holder and previous DPS, pleaded guilty to three counts of 'Failing to Supervise a Minor' and 2 counts of 'Unauthorised Licensable Activity' at The Terminus

Tavern. She was fined a total of £250 with £200 costs. The court saw fit to revoke her Personal License meaning she had to stand down as DPS. Ms Bagshaw then applied to vary the DPS and the new DPS was named as Darrol Palmer, who is believed to be a relative of Ms Bagshaw.

- 6 On 9<sup>th</sup> February 2015 a visit was made to the premises by the then Licensing Officer Lizzie Payne and a Police Officer. The main reason for this visit was to meet Mr Palmer, the new DPS. He was not there so they had a conversation with Ms Bagshaw. She stated that Mr Palmer was actually only going to be DPS in name only as he had another full time job. She was advised he should be involved with the day to day running of the premises and if not then he shouldn't really be the DPS. She stated that one of her bar staff is looking at getting her personal license and then she could become DPS. Ms Bagshaw was given advice about who runs the personal license course. A new DPS pack was left for Mr Palmer as she didn't know when he would next be at the pub to meet with the Licensing officer. Ms Bagshaw was left with the telephone number for the Police Licensing Dept so Mr Palmer could make contact if he needed to.
- 7 At 13:13 on Monday 25<sup>th</sup> May 2015 (Bank Holiday) a call came to police via Ambulance control stating two males had been assaulted. These males were found at the pub with injuries by Officers. However, one would not talk to police at all and the other said he had fallen. No further action taken.
- 8 At 22:30 on Saturday 31<sup>st</sup> October 2015 (Halloween) there was a call from a member of public stating there were approximately 20 people fighting immediately outside the pub. Two minutes later when police arrived there

were approximately 20 people outside who were very boisterous. There were no offences disclosed and officers had to ask them all to leave the area.

- 9 At 16:23 on Wednesday 27<sup>th</sup> January 2016 a member of staff reported a male who had thrown a bar stool aimed at a staff member. However, no one was injured. The male left immediately. The staff told police they just wanted it logging and did not want any further police action.
- 10 At 22:13 on Saturday 23<sup>rd</sup> April 2016 (St Georges Day) a female customer reported a male had spat a drink in her face. She states he did this as he had lost a drinking game. Although there was a named offender, the suspect was not dealt with by police due to evidential difficulties.
- 11 Also on the 23<sup>rd</sup> April 2016 at 23:31 officers were stopped outside the Terminus Tavern by someone who said there was fighting inside. Ambulance control were contacted by someone in the pub. On arrival there were two people who claimed to have been assaulted. A male who had been punched in the head and knocked unconscious, and a female who had bruises and cuts to her arm. They claimed there had been a disturbance at the pub with a group of individuals from the Manor area. This had been started with a glass being smashed and then a fight had broken out. Two males were named as the offenders. However, during the investigation the two victims did not want to say anything further to police. Therefore, the complaint did not go any further. The officer who dealt with this incident said the staff were helpful and did access the CCTV. Cameras did show some sort of public order situation but the images were not clear

enough for anyone to be identified. Staff said they were aware something had happened but could not or would not provide any details.

12 At 22:52 on Monday 22<sup>nd</sup> April 2017 (St Georges Day) a customer at the pub reported approximately 15 males fighting. Two separate calls were made to police. The second caller said there was a fight and a male laid on the floor. An ambulance was also requested. Officers arrived 5 minutes after the call and initially no one was making themselves known to officers. They went inside the pub and asked various people what had happened. No one in the pub wanted to disclose anything. An officer finally located a male with facial injuries in the room to the left of the entrance. The injured party did not want to speak to officers and they only obtained a name for him via his girlfriend. The ambulance arrived but the male refused treatment and finally left in a car. Officers spoke to a female believed to be Ms Bagshaw and said the evening had been going well until a particular group of males had arrived and started fighting. The CCTV was viewed but as the victim was not making a complaint, the officers did not need to have it downloaded.

13 At 23:04 on Sunday 30<sup>th</sup> April 2017 a call came from Ambulance to police stating there was at least two casualties who had been seriously assaulted. South Yorkshire Police have no record of any incident being logged as reported by staff at the premises, however ambulance control did receive 8 calls about this incident. At the appeal hearing for the interim steps Ms Bagshaw claimed a call was made from the premises. I am awaiting the details from Ambulance control of who made the calls to them. Police were told one casualty had been slashed with a knife and

was bleeding heavily. Officers arrived nine minutes later and went in to the premises with the Paramedic. When officers arrived there was a group outside but there was no fighting. There was a male present with a severe slash wound to his face and head. Then as officers went further in the pub they discovered a second male with a head wound. One male had been assaulted with a knife as he was leaving the pub and the second male had been hit on the head with a hammer while he was stood at the bar. The offenders arrived at the pub together and the two incidents happened almost simultaneously. The man with the knife managed to get in the pub after the assault outside and preceded to kick the second injured party in the head while he was laying on the floor after being hit with the hammer. Officers were told there had been some sort of dispute in the pub earlier and at least one of these offenders had been in the pub earlier, left and then came back with weapons. Officers were told on that night there had been some sort of football presentation and a celebration as Sheffield Utd had been guaranteed promotion, with approximately 100 people present. Scenes were preserved in the pub and outside, Ms Bagshaw did voluntarily close so police could conduct their enquiries. Victim one has a life changing injury and victim two has a suppressed skull fracture. Both victims have had to be operated on. There was also a third male believed to have been punched by one of the suspects outside the pub but this has not been confirmed as he had left when officers arrived. Cameras in the premises do capture the assaults. However, it could not be downloaded on the night as Ms Bagshaw was unable to do so. Officers were told that the footage is saved for 28 days but police had to call out an engineer to



download it successfully. All officers could do is take some stills with their phones of the suspects for ID purposes. A number of people who were present in the pub at the time of the offence, but who have subsequently stated they did not witness the assaults, made reference to the fact the CCTV footage had been viewed by some individuals. However, the provenance of this information has never been traced and there is no direct admission by any person spoken to in the course of the investigation that the footage had been viewed. At the time of typing this statement one suspect has been arrested, interviewed, bailed and is subject to ID procedures. The second suspect remains outstanding and is currently wanted. I can provide photographs of both victims injuries however these are to be shown in closed session due to the ongoing investigation.

14 At 16:00 on Monday 1<sup>st</sup> May 2017 (Bank Holiday) officers attended the premises at the request of an Inspector. Ms Bagshaw nor the DPS, Mr Palmer were at the premises. The only staff member present was a Ms Gaynor Hall who confirmed she is not a Personal License Holder. She did contact Ms Bagshaw who was unable to attend to see officers. The CCTV was checked by officers and appeared to be working, however, Ms Hall did not know how to operate it. Officers confirmed on this visit there were approximately 20 customers inside, no one who appeared to be underage, no children, no extreme drunkenness and nobody drinking outside. An appointment was made for later that day for an engineer to meet Ms Bagshaw at the premises in order to download the footage.

15 South Yorkshire Police have concerns that the premises is not being managed to a level we would expect. Although it is not a requirement for

F9

the DPS to be at the premises at all times, he has never been there on any visits that have been made nor has he been introduced to Police when they have attended to any incidents. Due to this and Ms Bagshaw admitting the DPS is only on the license in name only this is a real concern. There is also an issue with CCTV and the lack of knowledge in using and downloading on various occasions. The last incident, which prompted the Expedited Review, was of such a serious nature it could easily have been a murder enquiry the police were investigating.

I believe that the contents of this statement are true and I understand it may be placed before the court.

I also understand that the contents of this statement may be shared with agencies working in partnership with the South Yorkshire Police.

Signed..... .....

Dated. 15/05/17.....

**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

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Statement of Joseph Hunt .....

Age if under 18 Over 18 .... (If over 18 insert "over 18") Occupation: Acting Inspector .....

This statement (consisting of 3. page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature ..... (witness) Date: 15.5.17 .....

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am the acting Neighbourhood Police Inspector currently responsible for the Sheffield East area. I have responsibility for areas including Darnall, Tinsley, Manor and Arbourthorne.

One of my primary functions is problem solving around quality of life issues, community safety, and responding to long term problems within the community either as a partnership with other interested agencies, or as a stand-alone police service. In doing this I consult with the community, speak to my partners and ensure that lines of communication are open between South Yorkshire Police and those who represent the communities.

The Terminus Public House is situated on Main Road, Darnall, Sheffield in a heavily populated residential area on a busy road that includes local shops and food outlets. Darnall itself is a socially deprived area with high levels of unemployment, anti-social behaviour and crime. Darnall, therefore, has many challenging individuals who will spend time in pubs in the area. This in turn means that the Licensee needs to deal with these individuals quickly and robustly when incidents occur. The premises is also located approximately one mile from Park Academy Secondary school and less than half a mile from High Hazels Academy primary school which means there are impressionable young people in the area.

Signature: Joseph Hunt..... Signature Witnessed by: .....

Continuation of Statement of: Joseph Hunt

Page 2

There are only a few pubs still remaining in the area and the ones that are need to be run responsibly and by a Licensee who can manage the challenges it faces. There have been eight incidents since January 2015 reported to the police from Terminus public house. These include assaults and disturbances. The two most recent incidents are particular concerning.

On 22.4.17 Police received several calls about a group of people fighting inside the premises. Police resources attended but no one inside the premises was prepared to talk to officers. Staff at the public house confirmed that two groups of males had been fighting inside. Eventually, a male with facial injuries was located inside.

On 30.4.17 officers responded to another call re a disturbance at the Terminus public house. One male with significant facial injuries was found outside and another with head injuries was located inside the premises. Subsequent enquiries identified that injuries were caused by two males; one using a knife and the other a hammer. Enquiries re these assaults are continuing but the severity of the injuries caused and the use of weapons has become widely known within the local community. This has caused concern and some degree of fear among members of the local community.

This is a high number of reports at what is essentially a community style pub. The escalation in the number of incidents involving violent assaults is particularly concerning. This can then be compared to another two premises in the Darnall area which are less than a mile from the Terminus, and on a similar estate, which have only reported one incident each in the last twelve months.

There is also the issue of how many police resources have been dedicated to dealing with these incidents. After reading the incidents which have been reported at the premises I feel some of them could and should have been dealt with by management and staff at the premises in the first instance. There appears to be

Signature: Joseph Hunt ..... Signature Witnessed by: .....

Continuation of Statement of: Joseph Hunt

very little evidence of staff at the premises intervening in the early stages of any trouble. In my experience fights and assaults don't generally just happen. There is often a sequence of events which escalate into a fight or an assault whereby staff could step in and stop the confrontation. It is also concerning that the DPS has seemingly not been present when Police have attended incidents at the location and that other staff members have not been able to operate the CCTV system.

If this premises is allowed to keep its license to sell alcohol I would like to see more conditions on the license which would assist the Licensee to keep stricter control of the people allowed in.

Signature: Joseph Hunt..... Signature Witnessed by: .....

# Appendix G

Hearing Notices/  
Regulations/Procedures

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## **Notice of hearing to consider an application for review of premises licence and any relevant representations**

South Yorkshire Police Licensing Team  
Force Headquarters  
Carbrook House  
5, Carbrook Hall Road  
Sheffield,  
S9 2EH

Emailed - [Sheffield.Liquor-Licensing@southyorks.pnn.police.uk](mailto:Sheffield.Liquor-Licensing@southyorks.pnn.police.uk)

The Sheffield City Council being the licensing authority, on the 2<sup>nd</sup> May 2017 received an application for a Summary Review of a Premises Licence in respect of premises known as The Terminus Tavern, 150a Main Road, Darnall, Sheffield, S9 5HQ.

During the consultation period the Council received representations from South Yorkshire Police Licensing.

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Tuesday 30<sup>th</sup> May 2017 at 10.00am**; following which the Council will issue a Notice of Determination of the Application for Review.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 52(7) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

**You should complete form LAR1 and return it to: The Licensing Service, Business Strategy and Regulation, Place Portfolio, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, within five (5) working days before the day or the first day on which the hearing is to be held.**

Dated: 18<sup>th</sup> May 2017

Signed: Jayne Gough  
The officer appointed for this purpose

Please address any communications to:

The Licensing Service  
Business Strategy and Regulation  
Place Portfolio  
Block C, Staniforth Road Depot,  
Staniforth Road,  
Sheffield,  
S9 3HD.  
Email – [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)

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**Notice of hearing to consider an  
application for review of premises  
licence and any relevant representations**

Mrs Tansy Bagshaw  
Terminus Tavern  
150a Main Road  
Darnall  
Sheffield  
S9 5HQ

The Sheffield City Council being the licensing authority, on the 2<sup>nd</sup> May 2017 received an application for the Summary Review of a Premises Licence in respect of premise known as **The Terminus Tavern, 150a Main Road, Darnall, Sheffield, S9 5HQ**

During the consultation period the Council received representations from South Yorkshire Police Licensing.

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Tuesday 30<sup>th</sup> May 2017 at 10.00am**; following which the Council will issue a Notice of Determination of the Application for Review. The documents which accompany this notice are the relevant representations which have been made, as defined in Section 52(7) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) Your response to the application for review, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to the application made for review the Premises Licence.

**You should complete form LAR1 and return it to: The Licensing Service, Business Strategy and Regulation, Place Portfolio, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, within five (5) working days before the day or the first day on which the hearing is to be held.**

Dated: 18<sup>th</sup> May 2017

Signed: Jayne Gough  
The officer appointed for this purpose

Please address any communications to:  
The Licensing Service  
Business Strategy and Regulation  
Place Portfolio  
Block C, Staniforth Road Depot,  
Staniforth Road,  
Sheffield,  
S9 3HD.

Email - [LicensingService@sheffield.ov.uk](mailto:LicensingService@sheffield.ov.uk) Page 60



**NOTES****Right of attendance, assistance and representation**

15. Subject to regulations 14(2) and 25, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

**Representations and supporting information**

16. At the hearing a party shall be entitled to –
- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice (as applicable),
  - (b) if given permission by the authority, question any other party; and
  - (c) address the authority

**Failure of parties to attend the hearing**

20. – (1) If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may:–
- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
  - (b) hold the hearing in the party's absence.
- (3) Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

**Procedure at hearing**

21. Subject to the provisions of the Regulations, the authority shall determine the procedure to be followed at the hearing.
22. At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.
23. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.
24. The authority must allow the parties an equal maximum period of time in which to exercise their rights provided for at regulation 16.
25. The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may –
- (a) refuse to permit that person to return, or
  - (b) permit him to return only on such conditions as the authority may specify, but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

**LICENSING ACT 2003**

**Form LAR 1  
Regulation 8**

Premises: **The Terminus Tavern, 150a Main Road, Darnall,  
Sheffield, S9 5HQ**  
Type of App: **Review of a Premises Licence**  
Hearing Date: **30<sup>th</sup> May 2017**

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**Notice of actions following receipt of notice of hearing**

To **Licensing Service,  
Sheffield City Council  
Block C Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD**

I **Mrs Tansy Bagshaw**

Of **The Terminus Tavern, 150a Main Road, Darnall, Sheffield, S9 5HQ**

hereby confirm that I have received the Notice of Hearing dated **18<sup>th</sup> May 2017** and notify you as follows **(please complete)**:

- I intend to attend the hearing at **10.00 am on Tuesday 30<sup>th</sup> May 2017.**
- I do not intend to attend the hearing
- I intend to be represented at the hearing by: .....
- I do not intend to be represented at the hearing by:.....
- I consider the hearing to be unnecessary because: .....  
.....
- I request that .....should appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

Dated: ..... Signed.....

**Please see Regulation 8 overleaf**

Please complete this form and return it to:  
Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

## Regulation 8

- (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –
- (a) whether he intends to attend or be represented at the hearing;
  - (b) whether he considers a hearing to be unnecessary
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
- (3) In the case of a hearing under –
- (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
  - (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

- (4) In the case of a hearing under –
- (a) section 167(5)(a) (review of premises licence following closure order),
  - (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
  - (c) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

**This procedure has been drawn up in accordance with the Licensing Act 2003 to assist those parties attending Licensing Committee hearings.**

1. The hearing before the Council is Quasi Judicial.
  2. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
  3. The Chair will ask the applicants and other parties to formally introduce themselves.
  4. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
  5. Hearing Procedure:-
    - (a) The Licensing Officer will introduce the report.
    - (b) Questions concerning the report can be asked by Members the applicant and other parties.
    - (c) The Licensing Officer will introduce the applicant for review (or his/her nominated representative) who will be asked to detail the application.
    - (d) Members may ask questions.
    - (e) The Licensing Officer will in turn introduce representatives for the other Responsible Authorities and Interested parties who will be asked to detail their relevant representations
    - (f) Members may ask questions
    - (g) With the leave of the Chair the licensee or his representative may cross examine the representatives of the applicant for review and the other Responsible Authorities and Interested Parties.
    - (h) The licensee (or his/her nominated representative) will then be asked to respond to the application and to any other representations made.
    - (i) The licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
    - (j) The applicant will then be given the opportunity to sum up the application.
    - (k) The representatives of the Responsible Authorities will be given the opportunity to sum up
    - (l) The licensee will be given the opportunity to sum up
    - (m) The Licensing Officer will then detail the options.
    - (n) There will then be a private session for members to take legal advice and consider the application.
  6. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.
- NB:
- 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
  - 2) The Board Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.