

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Barnsley Metropolitan Borough Council, 1 Westgate, Barnsley, S70 2DR

In reference to 068586

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 E WHEATCROFT [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:

**Sugar Club
Pitt Street**

Post town: BARNSELY

Post code (if known): **S70 1AL**

2. Premises licence details:

Name of premises licence holder (if known): 068586

Number of premises licence holder (if known): SUGAR EVENTS LTD

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]

Police submit that the premises is associated with serious crime and disorder.

In the 4 weeks prior to this application there has been 2 incidents of disorder and serious crime, namely:

- **12th February 2023 at 0200 hours, a report of disorder was made to South Yorkshire Police within the premise involving a group of males. CCTV evidence showed circa 20 persons engaged in significant disorder within the venue, resulting in police attendance and the agreement for voluntary closer.**
- **5th March 2023 at 0230 hours, a report of assault was made to South Yorkshire Police where a member of the public presented with facial injuries and alleged that he had been assaulted inside the venue by a member of security staff. Police attendance (detailed below) was frustrated by staff at the club, and Class A drugs being found on door security and within the club.**

In respect of the drug supply in this matter, this would be a 'serious crime' for the purposes of the Licensing Act guidance which states at 12.5 that this includes conduct which

(a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more.

The Sentencing Guidelines for the Supply of Controlled Drugs would support the assertion that the drugs found on 05/03/2023 would be treated as a category 3 harm, and the starting point for a category 3 offence involving Class A drugs (even for a lesser role) is 3-years.

(<https://www.sentencingcouncil.org.uk/offences/crown-court/item/supplying-or-offering-to-supply-a-controlled-drug-possession-of-a-controlled-drug-with-intent-to-supply-it-to-another/>).

Further details of violent incident on 05/03/2023:

At approximately 02:30 on 05/03/2023 a patron from Sugar Club identified themselves to T/PS Botham whilst she was on duty in the town centre. The patron alleged that he had been assaulted by a security guard in the Sugar Club resulting in him losing his tooth.

T/PS Botham carried out enquiries at the venue with the security guard and he was subsequently arrested for the alleged assault and for being in possession of a bag of white powder, reasonably believed to be a Class A controlled drug.

Officers were obstructed in their investigation of the incident as when they requested to view CCTV of the incident, a member of staff advised that they did not have access to this and that the Designated Premise Supervisor was no

longer on the premise and had gone home.

When officers requested to speak with the Designated Premise Supervisor, they were advised that they had no means to contact her only via 'snap chat'.

The member of staff spoken with stated that he was a personal licence holder, however was unable to produce any documentation to support this and there was no written authorisation in place.

Whilst initial enquiries were taking place another female was seen entering a small room behind the bar and placing items in her handbag. A search of the female was carried out under S23 Misuse of Drugs Act to find a small clear bag containing white powder. On searching her handbag, a small set of scales containing traces of white power was found along with a small black purse containing multiple clear bags with traces of white powder. As a result the female was arrested with possession with intent to supply.

Wider Related Concerns:

On the 19th December 2022 a licensing Sub-Committee made the decision to revoke the licence of Sugar Club following representation from South Yorkshire Police, based on concerns around prevention of crime and disorder, protection of children from harm and public safety.

Following this decision an appeal was logged within the 21 day appeal progress. The venue during the appeal is therefore allowed to remain open and trade, however the following concerns and breaches have been highlighted since the revocation on the 19th December 2022.

1. On the 7th January 2023 at 23:00, a licensing visit was conducted as part of street safe. A breach of their premises licence conditions was recorded. During the visit officers noted that there was no town centre radio present at the venue.
2. On the 13th January 2023 at 23:30, licensing visit was conducted as part of street safe. A breach of their licensing conditions recorded. Officers noted details of two door security, both of whom informed officers that they were employed by Phoenix Security. In addition there was no town link radio in use at the venue.

Enquiries were subsequently been made with Professional Security who acquired Phoenix Security on the 15th October 2022 (at which time Phoenix ceased to exist), who confirmed that no security staff were provided to the Sugar Club on the 13th January 2023.

Enquiries on the 11th January 2023 were also made with the town link radio provider, who confirmed that a radio would be available to them for the weekend commencing 13th January 2023 once a deposit had been paid.

3. On the 14th January 2023 at 22:10, a licensing visit was carried out by PS 330 Alun Oliver. Breach of licensing conditions. Mrs Harper confirmed they still did not have the town link radio for the venue despite it being a condition of their licence

4. On the 21st January 2023 at 23:35, a licensing visit was conducted as part of Street Safe. There was no clarity as to the security company supplying door staff and whether they were an accredited company. Details of door staff working on that night are not believed to be employed by an accredited company, due to previous engagement with them when they had informed officers that they did not work for an accredited company.
5. On the 24th January 2023 at 22:00, a licensing visit was conducted as part of Street Safe. A breach of their licence conditions was recorded. It was noted that the security staff working at the venue were employed from Shadow Security, who are not an accredited security company.
6. On the 28th January 2023 at 00:05, a licensing visit was conducted as part of Street Safe. A breach of their licence conditions was recorded. Both security staff working informed officers that they were employed by Shadow Security, who are not an accredited company. It was also noted that neither of the security staff working were wearing body worn cameras.
7. On the 29th January 2023 at 02:00, a licensing visit was conducted as part of Street Safe. Although officers did not ascertain who employed the security staff present, it was the same guards working at the venue, whose details officers had obtained the night previous when they had stated that they were employed by Shadow security.
8. On the 4th February 2023 at 23:45, a licensing visit was conducted as part of Street Safe. Officers were not able to clarify who employed the security staff present to ensure that they were employed by an accredited security company. When officers asked guards who employed them, they advised 'Sugar'.
9. On the 10th February 2023 at 22:40, a licensing visit was conducted as part of Street Safe. A breach of their licensing conditions was recorded. Details obtained from security staff working at the venue were that they were employed by Shadow Security, who are not an accredited security company.
10. On the 11th February 2023 at 22:00, a licensing visit was conducted as part of Street Safe. A breach of their licensing conditions was recorded. Officers noted that at 22:00 there was only one security guard working (when conditions state that at 22:00 there should be two). The guard also advised officers that he was employed by Shadow Security, who are not an accredited company as is stipulated in their conditions. Officers noted that they made further observations at 22:10 and there still only appeared to be one guard working.
12. On the 12th February 2023 at 02:00, a report of disorder was made to South Yorkshire Police within the premise involving a group of males. The club agreed to voluntary close the venue when requested by Police.
13. On the 18th February 2023 at 01:16, a licensing visit was conducted as part of Street Safe. It was observed by officers at the time of the visit that although the town link radio was present it was turned off.
14. On the 25th February 2023. A breach of their licensing conditions was recorded. PC Teslaru informed the Licensing Department that he had visited Sugar Club twice that day and once the previous day to try and obtain CCTV,

only to be advised that this wasn't possible due to staff shortages.

Summary of Future Risk of Disorder:

South Yorkshrie Police have concern with regard to a recurrence of disorder at the venue.

The risk of further disorder comes from consistent poor leadership and management displayed by the venue. In responding to the incident dated 5th March where a member of the public alleges that he had been assaulted by door security (those charged with maintaining good order and protecting those within the venue), officers found:

- > The DPS absent and not contactable
- > Those seemingly left "in-charge" did not have with them any documentation to prove they were licenced to sell alcohol to the public
- > Those left in charge were uncooperative and obstructive with officers
- > Those left in charge were unable to access or operate key evidence (CCTV) to enable a prompt investigation to be undertaken
- > Suspected Class A drugs found on the person of security staff (for which they were arrested)
- > Suspected Class A drugs and paraphernalia for the preparation/distribution of Class A drugs found on a person in the venue who was in a room not open to the public, and who was themselves associated with the person left in charge (for which this person was arrested).

All of this comes despite the decision of the licensing sub-committee dated 19/12/2022 to revoke the premise licence after SYP demonstrated 14 separate breaches of premise licence (May 2022 to December 2022).

So, the club and it's management team are fully aware of the high standards that are expected, and I would anticipate that they would be striving (in preparation for their appeal) to demonstrate that they can meet those standards. The fact that they continually fail to do so (SYP noting a further 12 breaches of conditions and 2 incidents of violence since 19/12/2022) gives clear evidence that they are unable to keep an orderly venue, and I anticipate that the risk of future disorder at this club is likely. This is made more likely by the fact that SYP has notified the club management (and their legal team) in recent weeks of continued concerns in regard to the provision of security personnel at the club. Now, given the involvement of a member of security in the most recent instance of violence and drug possession at the club gives further grounds to believe that further disorder is highly likely.

Desireable Outcomes:

Owing to the above documented concerns about the management of the Sugar Club dating back to May 2022, the failure to implement change in response to the revocation of the license on 19/12/2022, evidenced by the subsequent numerous breaches of licence conditions as well as reported violent incidents and drug use/supply identified on 05/03/2023, South Yorkshire Police request of the committee that consideration is given to interim steps including suspension of licence.

Signature of applicant:
Date: 08.03.2023
Capacity: Superintendent

Contact details for matters concerning this application:

Address: **South Yorkshire Police Licensing Department, Barnsley Headquarters, Churchfield, Barnsley, S70 2DL.**

Telephone number(s): 07917212736

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

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 meaning.

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