

## **BARNSELY METROPOLITAN BOROUGH COUNCIL**

**Report of the Service  
Director Legal Services to  
the meeting of the Statutory  
Licensing Regulatory Board  
Sub Committee to be held  
on the 6<sup>th</sup> April 2023**

### **LICENSING ACT 2003**

#### **APPLICATION FOR A SUMMARY REVIEW - PREMISES LICENCE**

##### **SUGAR CLUB, 7 PITT STREET, BARNSELY S70 1AL**

### **1. Background**

- 1.1 On the 8<sup>th</sup> March 2023, Superintendent Wheatcroft on behalf of the Chief Officer of South Yorkshire Police submitted an application as a Responsible Authority under the provisions of Section 53A of the Licensing Act 2003 for an expedited review of the premises licence in respect of Sugar Club, 7 Pitt Street, Barnsley. A copy of this application is attached as Appendix 1.
- 1.2 An expedited review hearing took place on 10<sup>th</sup> March 2023, where Members were asked to consider taking interim measures to address alleged offences linked to serious crime and disorder at the premises.
- 1.3 Upon considering the evidence presented, Members unanimously resolved that it was necessary to take interim steps pending a full review. A copy of the decision notice detailing the interim steps applied is attached as Appendix 2.

### **2 Existing Licence**

- 2.1 The existing premises licence became effective, on the 9<sup>th</sup> October 2012.
- 2.2 The premises licence has been held by Sugar Events Limited since the 1<sup>st</sup> February 2022, a company of which Ashley Stockton is the Sole Director. The premises operates as a town centre venue surrounded by a variety of

local amenities including retail, residential and other licensed premises. The current licence allows the provision for a number of licensable activities, including the sale of alcohol and regulated entertainment.

2.3 Members are minded to note that registered company, Hartwood Estates has a legal interest in the premise as a freeholder or leaseholder.

2.4 The premises licence for Sugar Club was subject of an initial review application made by South Yorkshire Police on the 21<sup>st</sup> April 2022. During the 28 consultation period, discussions were held between the premises licence holder and South Yorkshire Police and it was agreed that a review hearing was not required as the following conditions were agreed to be added to the premises licence to promote the licensing objectives:-

- ***Persons under the age of 18 not to permitted at any time.***
- ***The challenge 25 scheme must operate in the venue, both on the door and on each operational bar.***
- ***Staff will be trained to operate the scheme including how to recognise and respond to underage persons. Staff training records will be maintained and made available to authorities for inspection upon request.***
- ***Prominent challenge 25 posters will be displayed throughout the venue.***
- ***Refusal log shall be completed both on the door and for each operational bar.***
- ***A refusals log shall be kept for a min of 6 months. A refusal log should include; time, date, description of person, reason for refusal and name of person completing form.***
- ***Recognised ID scanner linked up to a central working data base. An ID scanner will be used at all times when security staff are employed. Images to be kept for 31 days and shall be***

*downloaded and made available to South Yorkshire Police and authorised officers of the council upon request.*

- *To be part of the town centre radio scheme and acquire a suitable number of radios sets for the premise.*
- *A copy of the South Yorkshire Police violent incident protocol to be displayed within the premise, insight of staff only. This protocol should also form part of the staff training and training records to reflect such input.*
- *A colour CCTV system to the specification and satisfaction of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open. The CCTV images will be stored for 31 days and police and authorised officers of the council will be given access to images for purposes in connection with the prevention and detection of crime and disorder.*
- *Members of the management team will be trained in all aspects of the cctv system including the ability to configure, monitor, record and download.*
- *A member of staff, fully trained in the operation of the cctv system, will be present at the venue at all times during opening hours. This member of staff will provide immediate access to the system, facilitate the playback of images and supply downloaded footage when requested to South Yorkshire Police.*
- *A member of the management team will conduct a check of the cctv system on a weekly basis to ensure it is operating correctly. A record of the checks will be maintained and will be produced to the police/authorised officers of the council on request for inspection.*

- ***CCTV camera to be located at the entrance of the venue at the side of the scanner to provide evidence of the use of the scanner and to ensure face recognition of all customers.***
- ***The owner/manager will facilitate a review of the cctv system by a South Yorkshire Police Designing Out Crime Officer and will implement any recommendations within an agreed time frame.***
- ***Policies must be in place for entry procedures, search procedures, drugs and toilet inspections.***
- ***Incident logs must be kept at the premise which should contain date, time, description of incident, details of victim/offender/others involved, outcome/actions taken by staff, details of staff members involved, time/date and details of person completing form.***
- ***Implement training for staff, detailing information/processes/procedures surrounding customer behaviour/dealing with conflict, drugs, intoxication and injury, age verification, vulnerable people and spiking. Training to be reviewed every 6 months and a training log kept which can be produced upon request of an authorised person.***
- ***An accredited SIA security company will be used.***
- ***Security staff to be employed for any planned event.***
- ***Security staff to be employed from 19:00, with an additional guard from 22:00 on both Friday and Saturday nights, in addition to an overriding risk assessment. Should the venue open prior to 19:00 a full assessment will be completed for the use of security staff.***
- ***South Yorkshire Police should be altered to the company that is being used and of any changes.***

- ***All security staff to be briefed at the start of every shift on expectations and potential problems that may arise, which is then to be logged and signed by all staff in attendance.***
- ***Security staff to use body worn video (BWV). The venue to create a BWV policy governing its deployment.***
- ***Training shall be given to security staff in relation to illness and injury, drugs, age verification, refusal and ejection, spiking, vulnerable people, prevention and reduction of crime and incident recording. This is to be completed by all security staff and refreshed every 6 months. A training log should be kept which can be produced upon request by an authorised person.***

2.5 On the 18<sup>th</sup> May 2022 an application for a minor variation was made by Sugar Events Limited to add the conditions agreed at 2.4 to the premises licence for Sugar Club. A new premises licence was issued on the 8<sup>th</sup> June 2022 containing the agreed conditions. A copy of the premises licence is attached as appendix 3.

2.6 On the 24 October 2022, a second application was made by South Yorkshire Police to review the Premises Licence in respect of Sugar Club, 7 Pitt Street, Barnsley.

The application for review relates to the following licensing objectives:-

- a) Protection of Children from Harm
- b) Prevention of Crime and Disorder

2.7 Details of the grounds for review at the time were:-

**Evidence to support this application centres around the protection of children from harm and the prevention of crime and disorder. Recent history will show that:**

- On the 20<sup>th</sup> April 2022, South Yorkshire Police submitted to Barnsley Metropolitan Borough Council an application to review the premise licence at Sugar Club.
- On the 18<sup>th</sup> May 2022, Mr Stockton submitted a minor variation application to Barnsley Council Licensing to include the agreed licensing conditions on the premises licence.
- On the 11<sup>th</sup> June 2022 at 00:45, a visit was carried out as part of Street Safe and officers recorded a breach of the premise licence conditions, noting that the ID scanner was not working and the violent incident protocol was not displayed whilst the venue was open to the public.
- On the 12<sup>th</sup> June 2022 at 00:02, a visit was carried out as part of Street Safe and officers recorded a breach of the premise licence conditions, noting that the ID scanner not working whilst the venue was open to the public.
- On the 2<sup>nd</sup> July 2022 at 00:20, a visit was carried out as part of Street Safe and officers recorded a breach of the premise licence conditions noting that the ID scanner was not working whilst the venue was open to the public.
- On the 9<sup>th</sup> July 2022 at 00:34, a visit was carried out as part of Street Safe and officers recorded a breach of the premise licence conditions, noting that there was only one security guard employed when at that time there should have been two.
- On the 15<sup>th</sup> July 2022 at 23:45, a visit was carried out as part of Street Safe and officers recorded a breach of the premise licence conditions, noting that security staff working at the venue were not equipped or wearing Body Worn Video (BWV) whilst the premise was open to the public.
- On the 17<sup>th</sup> July 2022 at 01:30, a visit was carried out as part of Street Safe and officers recorded a breach of the premise licence conditions, noting that security staff working at the venue were not

equipped or wearing Body Worn Video (BWV) whilst the premise was open to the public.

- On the 29<sup>th</sup> and 30<sup>th</sup> July 2022, breaches of the conditions on the premise licence were recorded when the venue opened without employing an accredited security company.
- On the 3<sup>rd</sup> August 2022, a breach of the conditions on the premise licence was recorded when officers visited to obtain CCTV and the DPS at the time was unable to supply the required footage claiming that he did not know how to download it.
- On the 20<sup>th</sup> August at 00:10, a visit was carried out as part of Street Safe and officers recorded a breach of the premise licence conditions, noting that security staff working at the venue were not wearing Body Worn Video (BWV) whilst the premise was open to the public.
- On the 2<sup>nd</sup> September at 23:40, a visit was carried out as part of Street Safe and officers recorded a breach of the premise licence conditions, noting that the ID scanner not working whilst the premise venue was open to the public. In addition, the town link radio that is used to communicate between venues and is linked to the CCTV control room was switched off and not charged.
- On the 2<sup>nd</sup> October at 00:01, a visit was carried out as part of Street Safe and officers recorded a breach of the premise licence conditions, noting that the ID scanner not initially working whilst the venue was open to the public. In addition, neither of the security staff working were wearing BWV.
- On the 8<sup>th</sup> October 2022 at 22:30, a visit was carried out as part of Street Safe and officers recorded a breach of the premise licence conditions, noting that there was only one security guard working at the time of the visit, when from 22:00 there should have been two.
- The conditions that were added to the licence following the review application in May 2022 were agreed by all parties in order to try

and promote the licensing objectives; protection of children from harm and prevention of crime and disorder. Given that there have been several breaches already of these conditions, which are listed above, it demonstrates that the management and owner of the venue is not promoting the licensing objectives, therefore failing to elevate any of our concerns.

2.8 Representation was also received at the time from Stephen Butler, Environmental Health Officer, (Health & Safety - Regulatory Services) in respect of the following licensing objective:

- **Public Safety**

A full copy of the review report from the 19<sup>th</sup> December 2022 is attached as Appendix 4.

2.9 A hearing took place on the 19<sup>th</sup> December 2022 to determine the second review application. At the hearing and as stated in the decision notice, the premise licence for Sugar Club was revoked.

A copy of the decision notice is attached as Appendix 5.

2.30 Sugar Events Ltd subsequently lodged an appeal in relation to the decision of the Statutory Licensing Sub Committee, a hearing for which is listed for June 2023.

The decision of the Licensing Sub- committee does not take effect until the end of the 21 day period within which an appeal can be made or, if the decision is appealed against, until the appeal is disposed of. The latter is relevant in this matter, namely the revocation of the Sugar Club premises licence does not take effect until the appeal has been disposed of.

### **3 The Application for a Review of the Premises Licence**

3.1 On 8<sup>th</sup> March 2023 Superintendent Wheatcroft on behalf of South Yorkshire Police, made an application under the provisions of Section 53A of the Licensing Act 2003 for an expedited review of the premise licence.



3.2 The application was made on the grounds of serious crime and disorder. As previously stated, upon considering the evidence presented Members unanimously resolved that it was necessary to take interim steps of suspending the premises licence pending a full review.

3.3 A full review process has been undertaken.

#### **4 Responsible Authorities**

4.1 Following the review process the Licensing Service received comments from Environmental Health Officer James Gardham. A copy of his statement and relevant exhibits are attached as Appendix 6.

4.2 South Yorkshire Police have indicated that they wish to present CCTV footage at the hearing on the 6<sup>th</sup> April which relates to the incident that occurred at Sugar Club on the 12<sup>th</sup> February 2023. In addition they have also provided further witness statements as supporting evidence as attached as Appendix 7.

#### **5 Interested Parties**

5.1 The Licensing Service can confirm that no comments have been received from any interested parties.

#### **6 Options available to Members**

6.1 In determining this application for a review of the premises licence Section 52 of the Licensing Act 2003 provides that the authority must, having regard to the application and any relevant representations: -

- Consider what steps it considers necessary for the promotion of the licensing objectives.
- Decide which interim steps cease to have effect altogether or become the subject of any new steps which it considers are appropriate when making its determination

The steps the authority can take are:

(a) to modify the conditions of the licence;

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

## **7 Compatibility with the European Convention on Human Rights**

The decision of the Board will amount to a determination of the Council and the rights of the applicant. Therefore, as far as it is possible to do so, the board must comply with the requirements of Article 6 (the right to a fair trial). This means the applicant and respondent should be afforded the right to make oral representations at the meeting.

It is necessary for the reasons of the Members decision to be clearly stated.

## **8 Financial Implications**

Not Applicable.

## **9 List of Appendices**

Appendix 1 - Application for Expedited Review

Appendix 2 - Statutory Licensing Sub-Committee Panel Decision of the 10<sup>th</sup> March 2023 - Interim Measures

Appendix 3 – Premises Licence

Appendix 4 – Report and Appendices from the 19<sup>th</sup> December Statutory Licensing Sub-committee

Appendix 5 – Statutory Licensing Sub-Committee Decision Notice of the 19<sup>th</sup> December 2022

Appendix 6 – Statement and exhibits of James Gardham

Appendix 7 – Witness Statements SYP

**Officer Contact:** Debbie Bailey **Telephone No:** 07786525961 **Date:** 28<sup>th</sup> March 2023