

BARNSELY METROPOLITAN BOROUGH COUNCIL

**Report of the Principal
Officer (Licensing) to the
meeting of the Statutory
Licensing Regulatory Board
Sub Committee to be held
on the 19th December 2022**

**LICENSING ACT 2003
APPLICATION FOR A REVIEW OF A PREMISES LICENCE**

Sugar Club, 7 Pitt Street, Barnsley. S70 1AL.

1. Background

- 1.1 On 21 April 2022, an initial application was received from South Yorkshire Police, as a Responsible Authority under the provisions of Section 51 of the Licensing Act 2003, to review the above forementioned premise licence. A copy of the review application is attached as Appendix 1.
- 1.2 At this time Mr Vlad Sevciuc held the position as Designated Premises Supervisor for Sugar Club.
- 1.3 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.***

1.4 On the 17th May 2022 the position of Designated Premises Supervisor for Sugar Club was transferred to Mr Thomas White.

1.5 On the 18th May 2022 an application for a minor variation was made by Sugar Events Limited to add the conditions agreed at 1.3 to the premises licence for Sugar Club. A new premises licence was issued on the 8th June 2022 containing the agreed conditions. A copy of the premises licence is attached as appendix 2.

1.6 On the 5th September 2022 the position of Designated Premises Supervisor for Sugar Club was transferred to Anna Harper.

1.7 On the 28th September an application was made to vary the premises licence for Sugar Club to add a second floor to the venue and extend the

opening hours. A copy of the variation application and a plan of the premises is attached as appendix 3.

- 1.8 On the 14th October 2022 the premises licence holder was notified that the 28 day consultation period would have to start again for the variation application as the notice in the local newspaper had been published outside of the 10 days required by the Licensing Act 2003.
- 1.9 On the 24th October 2022 an application to review the premises licence for Sugar Club was received from South Yorkshire Police.
- 1.10 On the 25th October 2022 an objection to the variation application for Sugar Club was received from South Yorkshire Police. It has been agreed by all parties that the date set for this hearing be adjourned until after the review hearing has taken place on the 19th December 2022.
- 1.11 Members are requested to determine the application for a review of the premises licence.

2 Premises Licence

- 2.1 The premises licence is held by Sugar Events Limited, 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.

3 The Application for a Review of the Premises Licence

- 3.1 On the 24 October 2022, an application was made by South Yorkshire Police as a Responsible Authority to review the Premises Licence in respect of Sugar Club, 7 Pitt Street, Barnsley, as set out in Appendix 4.

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

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

4 Grounds for Review

4.1 Details of the grounds for review are contained within Appendix 4, which states:-

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 20th April 2022, South Yorkshire Police submitted to Barnsley Metropolitan Borough Council an application to review the premise licence at Sugar Club.
- On the 18th 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 11th 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 12th 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 2nd 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 9th 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 15th 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 17th 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 29th and 30th July 2022, breaches of the conditions on the premise licence were recorded when the venue opened without employing an accredited security company.
- On the 3rd 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 20th 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 2nd 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 2nd 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 8th 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.

4.2 Further supporting evidence and witness statements provided by South Yorkshire Police are attached at Appendix 5 and detail the following:-

- **Statement from Licensing Enforcement Officer Kirsty Green**
- **Statement of PC 2329 Sabato Michael Sabato dated 28.04.22 (Redacted)**
- **Email Exchange 10.01.22 (Exhibit 1)**
- **Action Plan January 2022 (Exhibit 2)**
- **Email Exchange 21.02.22 (Exhibit 3)**
- **Statement of PC 3698 Ashleigh Pollard dated 15.04.22 (Redacted)**
- **Statement of A/PS 1810 Sarah Botham dated 11.05.22 (Redacted)**
- **Email Exchange 06.04.22 (Exhibit 4)**
- **Statement of Inspector Peter Spratt dated 17.11.22**
- **Statement of PC 514 Gemma Fallis dated 24.04.22 (Redacted)**
- **Review Application 20.04.2022 (Exhibit 5)**
- **Statement of PC 3164 James Thornton dated 25.04.22**

- **Statement of PS 2030 Jodie Kean dated 26.04.22**
 - **Email Exchange 27.04.22 (Exhibit 6)**
 - **Statement of T/PS 576 Christopher Phillips dated 29.09.22 (Redacted)**
 - **Statement of PC 2683 Benjamin Johnston dated 29.11.22 (Redacted)**
 - **CCTV provided by Mr Stockton (Exhibit 7)**
 - **Statement of DC 2389 Catherine Simpson dated 21.09.22 (Redacted)**
 - **Email from DPS Ms Harper 13.08.22 (Exhibit 8)**
 - **Statement of PC 952 Dom Moffitt dated 19.09.22 (Redacted)**
 - **Statement of PC 1413 Benjamin Child dated 08.09.22 (Redacted)**
 - **Email from DPS Ms Harper 24.08.22 (Exhibit 9) (Redacted)**
 - **Statement of T/PS 2948 Gareth Lee dated 04.11.22 (Redacted)**
 - **Email from DPS Ms Harper 05.09.22 (Exhibit 10) (Redacted)**
 - **Statement of PC 1548 Euan Reilly dated 04.11.22**
 - **Statement of PC 1584 Esme Wright dated 04.10.22**
 - **Statement of PC 244 Beatrice Higgins dated 24.11.22 (Redacted)**
 - **Statement of PC 2083 Matthew Smith dated 27.11.22**
 - **SYP Objection to Late Temporary Event Notice (Exhibit 11)
(Redacted)**
 - **Application for Review (Exhibit 12)**
 - **SYP Objection - Variation Application Objection (Exhibit 13)
(Redacted)**
 - **Statement of T/PS Christopher Phillips dated 31.10.22 (Redacted)**
 - **Statement of Inspector Kieran Frain dated 17.11.22**
 - **Statement of A/PS 2347 Adam Craven dated 30.11.22**
- Further information, statements and body worn footage may be submitted at a later date.

5 Responsible Authorities/Interested Parties

5.1 Representation has also been received from Stephen Butler, Environmental Health Officer, (Health & Safety - Regulatory Services) in respect of the following licensing objective:

- **Public Safety**

5.2 A copy of Mr Butler's representation and statement detailing numerous concerns raised, inspections carried out and improvement notices served is set out in Appendix 6.

5.3 No other comments have been received from Interested Parties concerned with this matter.

6 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 should be afforded the right to make oral representations at the meeting.

If Members decide to revoke or amend the licence then the reasons for the decision must be clearly stated.

7 Options available to the Statutory Licensing Sub-Committee

The Board must, having regard to the application for and any relevant representations, take such of the steps mentioned below as it considers necessary for the promotion of the licensing objectives.

The steps 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;

And for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

8 Financial Implications

N/A

9 List of Appendices

Appendix 1 – Initial Application to Review Premises Licence

Appendix 2 – Premises Licence with Amended Conditions

Appendix 3 – Premises Licence Variation and Plan

Appendix 4 – Application to Review Premises licence

Appendix 5 - South Yorkshire Police Statements and Supporting Documentation

Appendix 6 – Representation and Supporting Evidence from Health & Safety Officer

Officer Contact: Debbie Bailey **Telephone No.**07786525961 **Date:** 30th November 2022