

**NOTES OF MEETINGS OF THE STATUTORY LICENSING REGULATORY  
BOARD SUB COMMITTEE**

**19 December 2022**

**Present:** Councillors Clarke (Chair), Bowser and Danforth together with Councillor Shepherd (Reserve Member)

**1. Declarations of Interests**

There were no declarations of pecuniary or non-pecuniary interest from Members in respect of items on the agenda.

**2. Application for a Review of the Premises Licence – Sugar Club, 7 Pitt Street, Barnsley**

The Sub Committee considered a report on an application received from South Yorkshire Police for a review of the Premises Licence in respect of Sugar Club, 7 Pitt Street, Barnsley under the provisions of Section 51 of the Licensing Act 2003.

The Sole Director and Licensee together with the Designated Premises Supervisor were in attendance at the meeting.

After considering all the evidence presented by all parties present, the Sub Committee determined that the Licence in respect of Sugar Club, 7 Pitt Street, Barnsley be revoked on the following grounds:-

- The Sub Committee had to be satisfied that the Licensing Objectives were being maintained. It heard evidence relating to the 'Protection of Children from Harm' and the 'Prevention of Crime and Disorder' as outlined in detail within the appendices to the report.
- Evidence showed that in May 2022, conditions, which were agreed by all parties, were added to the licence in order to promote and maintain the two licensing objectives. Prior to that agreement, the South Yorkshire Police had identified several infringements of the Licensing Act 2003 but the parties entered into an agreement in May 2022 to add conditions to the Sugar Club Licence. The Sugar Club Owner and Licensee accepted that he was in receipt of legal advice in respect of the agreement for additional conditions to be imposed on the licence.
- There had been meetings between the South Yorkshire Police and Sugar Club, which included the Designated Premises Supervisor, during which an Action Plan had been agreed, and details of South Yorkshire Police Officers were given to Sugar Club in the event that Police support and guidance was required.
- Despite the above, there had been several breaches of the licensing conditions since May 2022 and this demonstrated that the management and owner of the venue were not promoting and maintaining those Licencing Objectives.

- The following breaches had occurred:-
  - o On several occasions, during visits by the Police, the ID Scanner had not been working and the Violent Incident Protocol was not displayed when the premises were open to the public.
  - o On at least one occasion there had only been one security guard on duty where there should have been two.
  - o On more than one occasion, security staff working at the venue had not been equipped or wearing Body Worn Video whilst the premises were open to the public.
  - o On at least one occasion the town link radio used to communicate between venues, and was linked to the CCTV Control Room, was switched off and not charged.
- In relation to the evidence submitted by the Environmental Health Officer and the Health and Safety Concerns outlined within the scope of the two licensing objectives:-
  - o There had been an unsecured cellar hatch in a corner of the public area, unsecured carbon dioxide cylinders and electrical cables that were clearly unsafe. In relation to the cellar hatch, a prohibition notice had been issued to prohibit its use during opening hours.
  - o The rear yard was uneven with poor drainage which created a tripping and slipping hazard for customers. In addition, the external beer drop in this area was not locked and could have been accessed by anyone.
  - o There were concerns about the potentially unsafe means of escape in the event of fire and these had been referred to the South Yorkshire Fire and Rescue Service.
  - o Whilst work had been undertaken to the cellar trap doors to remove the immediate risk, further work was still needed and a verbal assurance had been given that these would be completed. Despite these assurances, some four months after the initial visit, it was noted that tripping hazards still remained and electrical cables had not been secured and were still vulnerable to damage.
  - o The Environmental Health Officer had also discussed the risk of injury that had not been identified by the company because the management had carried out no effective risk assessments. In October 2022, a further visit revealed that some electrical alterations had been carried out, but no electrical report had been provided to demonstrate that the system and appliances were safe.
- There was no evidence that all 6 items required to be undertaken in the original report relating to public safety had been completed. There were concerns in relation to the systems of management and the practices of managers of the venue as the Environmental Health Officer had found them to be resistant to regulation, to be reactive rather than proactive about matters affecting public safety and generally dismissive of the role of all regulators. There had been a pattern of promises not kept, partial solutions to concerns raised, of assurances that works had been completed when they had clearly not been and the contesting of the necessity of control measures without precautionary action to protect the public.

- The Sub Committee, in considering the evidence submitted by Mr Stockton, supported by Mrs Harper (DPS):-
  - o noted that in many instances they countered and refuted the very detailed evidence presented by the Police and indicated that the required work had been undertaken.
  - o heard evidence to suggest that Sugar Club had put in place the necessary arrangements to address the concerns raised and to comply fully with the Licensing Objectives. The Sub Committee was of the view, however, that these initiatives should have been in existence from the very onset.
- The Sub Committee took a very serious view towards the failure to promote the Licensing Objectives and towards the failure to take the concerns of the Police and Environmental Health Officers seriously.
- The Sub Committee, having listened to all the representations made and the responses to questions, noted that whilst Mr Stockton disputed some of the Police and Environmental Health Officers evidence, he did accept that Sugar Club had breached some of the licensing conditions but there were reasons for the breaches which were explained. The Sub Committee then evaluated the reasons for the breaches in the context of the Licensing Objectives, and the history of the Sugar Club. It took the view that, on the balance of probabilities, the evidence demonstrated that the breaches undermined the Licensing Objectives of 'Protection of Children from Harm' and 'Prevention of Crime and Disorder'.
- The Sub Committee was not convinced that arrangements were in place to ensure that the ID Scanner would be fully operational to establish the ages of clients and visitors to the Sugar Club. It was not convinced that the number of accredited door staff would be employed to adhere with the licensing conditions. It took the view that Sugar Club had been given ample opportunity to comply with the conditions which it agreed to with the benefit of legal advice.
- The Sub Committee was also concerned that since the commencement of these proceedings, there had been further breaches of the conditions as recently as December 2022, namely, days before the hearing.
- The Sub Committee felt that the representatives of Sugar Club were defensive and evasive in their answers to questions and considered that the management could not manage the Club effectively, to promote and maintain the Licensing Objectives. The Sub Committee, therefore, felt that the best course of action was to revoke the licence.

As a result of the above decision, the application by Sugar Club for a variation of the Premises Licence stood dismissed.

The decision of the Sub Committee was not unanimous.

**10 March 2023**

**Present:** Councillors Green (Chair), Osborne and Markham together with Councillor Greenhough (Reserve Member)

**1. Declarations of Interests**

There were no declarations of pecuniary or non-pecuniary interest from Members in respect of items on the agenda.

**2. Application for an Expedited Review – Premises Licence – Interim Hearing**

The Sub Committee considered a report on a request for an interim steps review of the Premises Licence in respect of Sugar Club, 7 Pitt Street, Barnsley in accordance with Section 53A of the Licensing Act 2003 (Summary Review of a Premise Licence) inserted by the Violent Crime Regulation Act 2006 which came into force on 1 October 2007.

On 19 December 2022, a Statutory Licensing Regulatory Board Sub-Committee had made the decision to revoke the licence of Sugar Club following representation from South Yorkshire Police, based upon concerns around the prevention of crime and disorder, the protection of children from harm and public safety. Following which, an appeal had been logged within the 21 day appeal process and the venue had therefore been allowed to remain open and trade pending the outcome of the appeal.

Following which, a serious crime and incident of violence had occurred on 5 March 2023, in addition to disorder on 12 February 2023.

After considering all the evidence presented, the Sub Committee determined that the Licence in respect of Sugar Club, 7 Pitt Street, Barnsley be suspended and that the interim step would be implemented to take immediate effect. There would be no right to appeal the decision of the Statutory Licensing Regulatory Board Sub Committee at the Magistrates Court in the interim stage. The premises licence holder may make representations against the interim steps taken by the licensing authority.

The decision of the Statutory Licensing Regulatory Board Sub-Committee was unanimous.