

**Your Ref:                   PBB/JLP/3358060-1 (LL)**  
**Our Ref:**

Sheffield City Council  
The Licensing General Section  
Town Hall  
Sheffield  
S1 2HH

**BY FAX & POST**

Peter B Bell  
Tel: 0113 220 6227  
Secretary: Jill Pyett  
[Peter.bell@irwinmitchell.com](mailto:Peter.bell@irwinmitchell.com)

18 June 2008

Dear Sirs

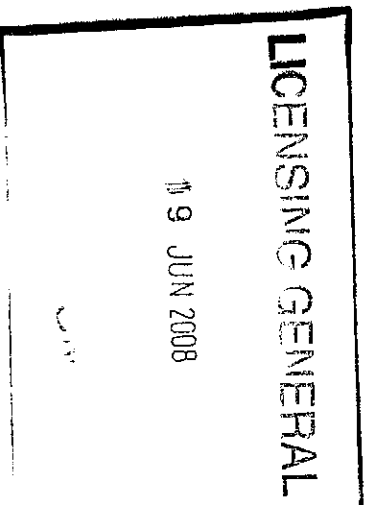
**RE: THE CORPORATION – LICENCE REVIEW – FOR HEARING 19 JUNE 2008**

In order to assist the Committee and to limit the time which might otherwise be taken, we **enclose** a Skeleton Argument put forward on behalf of the Corporation.

Yours faithfully



**IRWIN MITCHELL**

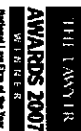


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**LICENSING REVIEW BY SCC**  
**The CORPORATION**  
**19/06/08**

**Skeleton Argument on behalf of The Corporation**

1. This licence review has been requested by Ms Julie Hague of Sheffield Safeguarding Childrens Board (Licensing Project) ("SCB (LP)"). The application is dated **28/04/08**.  
  
The basis for the application is succinctly set out in Ms Hague's email of 17 June 2008 annexed hereto at page 4 ("the email").  
  
The grounds cite concern for the welfare of children and thus broadly relate to one of the four core objectives of the Licensing Act 2003 namely "**The Protection Of Children From Harm**".
2. It is conceded that in respect of these issues SCB (LP) is an "*interested party or a responsible authority*" who may apply for a review pursuant to Section 51(1) of the Licensing Act 2003.  
  
In so far as any issues may be raised outwith the relevant core objective of "Protection Of Children From Harm" then objection is taken to the locus standi of Ms Hague under Section 51(1).
3. The application for review is supported by South Yorkshire Police.  
  
The committee's attention is drawn to the supporting document issued by APS 398 Sam Wardman which has it thus
  - "The Police's interactions with regard to three of the licensing objectives have caused South Yorkshire Police no grave concerns. The area that causes the Police concern is the protection of children from harm".
  - "The organisation of the premises gives the Police no concerns with regard to public safety with the exception of children at the premises".
  - "The licensing objective which concerns the Police is, the protection of children from harm".
4. Quite rightly Sheffield City Council in their **Statement of Licensing Policy** has at Section 9 dealt with the "Protection Of Children From Harm".  
  
The whole of Section 9 repays re-reading but paragraph 9.3 reads as follows:-  
  
"The licensing authority, encourage applications from licensees that make venues family friendly and safe for children. However, the licensing authority would have concerns about access by children where:-
  - There have been convictions for serving alcohol to minors or whether there is a reputations for underage drinking
  - There is known association with drug dealing or drug taking
  - There is a strong element of gambling on the premises
  - Entertainment of an adult of sexual nature is commonly provided

- The supply of alcohol for consumption on the premises is the exclusive or primary purposes of the services provided and
  - Organisers/applicants have convictions for offences against children or have otherwise been found unsuitable to work with children.
- None of these matters are alleged to apply to the Corporation.
5. In support of the application for a review both Ms Hague and South Yorkshire Police detail a number of matters.
- It is submitted that a reader's first impression may be coloured by events said to have occurred on Devonshire Green.
- There is no evidence that those events were caused by the business carried on at the Corporation.
6. It is not submitted on behalf of the Corporation that events occurring outside the premises have no relevance. What is submitted is that only those incidents which have occurred because of laxity within the premises, have a relevance. Those which occur purely and simply because antisocial individuals are congregating on Devonshire Green or elsewhere and verbally asserting that they intend to visit the Corporation should be ignored. These are policing matters.
7. "The Email"
- 7.1 Point 1 - the event which led to this review was a private party for members of Tipton School held on **14 February 2008**. The breach is said to be failure to notify SCB (LP) and SYP that the event was to take place. Mr Hobson comments on this in his statement.
- 7.2 Point 2 - cites a visit to the premises on **3 November 2007**. It should be noted that no one who was not a member is said to have been discovered in the premises. What is reported is that people were turned away.
8. It is not understood how either of these alleged breaches put children in the way of harm.
- If they did then it is not understood why it was not until **28/04/08** that these matters were brought to the attention of the Committee by way of this application.
9. Even if the Committee finds that there has been breaches of the Licence Conditions as alleged it is submitted that the headline recommendations made to the Committee in the application are disproportionate and unnecessary;
- 9.1 Suspension of licence. The members of staff are fully trained and there is in place effective child protection systems which accord with the Corporations own Child Protection Policy (a copy of which has been filed with the Committee). Suspension for training and instruction purposes is unnecessary and would impact on the entirety of the Corporations business activities.
- 9.2 Change the DPS. The reason for this request is said by SYP at page 29 of the Committee Report Document to be that Mr Pearman when spoken to about the 14/02/08 event had no knowledge that children are not permitted on the premises after 10.30 pm. There is in fact **NO** such condition on the licence. At page 23 Ms Hague has it that Mr Pearman was unable to answer her questions. Mr Pearman deals with this point in his statement. A copy of the relevant risk assessment is annexed hereto at page 5. A direction that the DPS be changed carries a stigma and should only be made if a change would clearly and necessarily promote the relevant core objectives.

9.3 Prohibit children under 18 at all times. Historically events at the Corporation have fallen neatly into three categories namely:-

- a) Nightclub – no one under 18 is admitted
- b) Band nights – under 18 year olds are admitted but allowed to remain only until 10.30pm. Whilst in the premises they are only allowed in a room which is an alcohol free zone. Over 18 year olds are served with alcohol and consume it in a separate facility admission to which is only permitted on proof of age ID.
- c) K-Corp – 14-18 year olds – Saturday afternoons – alcohol free zone

The attention of the Committee is drawn to the fact that K-Corp is no longer in operation. So far as b) above is concerned it is submitted that to prevent those between the ages of 14 and 18 enjoying the performance of a live band in the context of an alcohol free area would be to unfairly curtail their pleasure and deprive them of an enjoyable evening and somewhere to go.

10. So far as Ms Hague's alternative recommendations are concerned the Corporation say as follows:-

- 3a) In place
- 3b) In place
- 3c) In place
- 3d) In place
- 3e) K-Corp is no longer in operation

11. The Committee's powers on Review are set out in Section 52(4) Licensing Act 2003. It is submitted that the power to modify the conditions on the licence -(S52(4)(e))- is appropriate. The condition at Annex 2 para 7 of the Licence should be revoked as unnecessary and unduly cumbersome. It does not further the relevant core objective. General housekeeping principles adequately provide appropriate safeguards.

P B Bell

IRWIN MITCHELL

Solicitors for the Corporation

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**From:** Hague Julie [mailto:Julie.Hague@sheffield.gov.uk]  
**Sent:** 17 June 2008 13:40  
**To:** Jennifer North  
**Cc:** Peter Bell; Licensing(General)  
**Subject:** RE: THE CORPORATION - LICENSING REVIEW

Dear Mr Bell

Thank you for your e'mail. Here is the information you have requested regarding the clarification of the two breached licence conditions, to which I refer to in the review application:

1. The condition at Annex 2 of the current premises licence, ref point (6) which states that "No event involving the attendance of young people under 18 years of age will be organised or held without the prior knowledge and permission of Sheffield Police Liquour Licensing Department and the Sheffield Safeguarding Children Board (Licensing Manager).

A young people's event took place on 14.2.08 without consultation with the police or myself. This constitutes a breach of the above licence condition.

2. The condition at Annex 2 of the current premises licence, ref point (7) which states that "Persons under the age of 18 will only be permitted to attend events at the premises on a 'membership basis' and on production of a valid membership identity card, having been a member for at least 24 hours. Membership will be revoked on representation of South Yorkshire Police, or on seizure of the membership card by a member of South Yorkshire Police. Application forms for membership will include parental consent.

During a licensing visit to the premises on 3.11.07 of the first 13 children entering the premises to attend the K-Corp event only one child was a member. The remaining 12 children who expected to access the premises, confirmed that they were not aware they had to be a member. Mr Hobson proceeded to cancel the event and his staff handed out membership forms to the remaining children in the queue (approx 40 children) informing them that they would have to become members to attend future K-Corp events. From the comments made by young people waiting to access the premises and Mr Hobson's actions it was clear that the membership scheme was not being operated.

I hope this information is helpful and has adequately specified the breached licence conditions.

I have included the Licensing Authority in my reply to this e'mail, for their information.

Yours sincerely

*Julie Hague*  
*Sheffield Safeguarding Children Board*  
*Licensing Manager*

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18/06/2008

# COMPTONATION

**TRAFFALGAR COURT  
MILTON STREET  
SURREY S14 0JH  
TEL (01753) 2760262**

## Risk Assessment for proposed event on 14.02.08

The proposed event on 14.02.08 is a 17<sup>th</sup> Birthday party for pupils from Tapton School and therefore NO alcohol will be served at this function.

Potential risk factor	Control measures
<ul style="list-style-type: none"> <li>• Young people smuggling alcohol into the venue</li> </ul>	<ul style="list-style-type: none"> <li>• Male and female staff to be positioned at the front door to search customers entering the building.</li> </ul>
<ul style="list-style-type: none"> <li>• Young people attempting to purchase alcohol at the bar.</li> </ul>	<ul style="list-style-type: none"> <li>• ALL staff to be briefed at the beginning of the session. Emphasis to be placed on the fact that NO alcohol is to be served.</li> </ul>
<ul style="list-style-type: none"> <li>• Violent Incidents</li> </ul>	<ul style="list-style-type: none"> <li>• Security Staff to be present throughout the event.</li> <li>• Identified Child safeguarders to be present throughout the event.</li> <li>• Parental supervision has also been offered for periods throughout the event.</li> </ul>
<ul style="list-style-type: none"> <li>• Young people unattended at the end of the event.</li> </ul>	<ul style="list-style-type: none"> <li>• The designated Pick Up and Drop Off area to be in place during this event.</li> </ul>

M. Hobson  
08.02.08

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