

Please state the ground(s) for review (please read guidance note 2)

Application is made under Section 51 of the Licensing Act 2003 for a full review of the Club Premises Certificate in relation to a premises known as Anston Club, 1 Main Street, North Anston, Sheffield, S25 4BD.

The application seeks a revocation of the Club Premises Certificate on the grounds that the club is failing to properly promote three of the licensing objectives, namely public safety, the prevention of crime and disorder and public nuisance. Additionally, the application seeks a revocation of the Club Premises Certificate on the grounds that the club is not operating in good faith as a qualifying club.

The grounds for the application are as follows: -

The premise is a large sized building consisting of several separate rooms on one level and a bar area. The Club Premises Certificate authorises the supply of alcohol by or on behalf of the club for consumption on and off the premises Sunday to Thursday between 11.00hrs and midnight, Friday and Saturday between 11.00hrs and 01.00hrs.

The certificate further authorises the performance of a play, exhibitions of film, indoor sporting events, performance of live music, playing of recorded music, facilities for making music, and facilities for dancing Sunday to Thursday between 11.00hrs and midnight, Friday and Saturday between 11.00hrs and 01.00hrs.

No conditions are attached to the Club Premises Certificate under Annex 2 or Annex 3. The Club Premises Certificate has been in place since August 2005.

The current President of the club is Martin Kavanagh with Robert Fisher being the club secretary.

1 On 21st June 2022 Licensing Officers received an email from a resident local to the premises. The resident stated there had been fighting in the street on 20th June at approximately 22.00hrs. It was stated the fight continued for 30 minutes before the group dispersed as Police arrived. The complainant stated regular fights were taking place, groups were drinking on the street, and this was causing broken glass and discarded drug paraphernalia.

2 On 22nd June 2022 Licensing Officers were contacted by South Yorkshire Police because of complaints which had been received by them relating to disorder and anti-social behaviour at the club premises. Due to previous involvement licensing officers have had with the premises a joint visit was arranged to take place on 28th June 2022.

3 Council officers from the licensing service visited the premises alongside a licensing officer and two Police Community Support Officers from South Yorkshire Police. Present during the visit was Mr Kavanagh and Mr Fisher who were in the company of other members of club staff.

4 Two incidents which had been reported into the Police were discussed with Mr Kavanagh and Mr Fisher, both incidents were called into the Police by residents in the locality. The first incident took place on 31st May 2022 and was reported as 15/20 males fighting at the premises.

4B The second incident took place on 20th June 2022 and was reported as 15/20 males fighting at the premises.

5 Mr Kavanagh stated it had been his mother's funeral wake on 31st May at the premises – it was accepted there was a large number of persons inside the premises but both Mr Kavanagh and Mr Fisher denied fighting had taken place. Mr Kavanagh added that one female had been shouting but this had not resulted in a fight and no males had been involved.

6 Mr Kavanagh further stated that there had been an incident on 20th June, but it had taken place across the road from the premises. Mr Kavanagh added that a group of males had been drinking

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6.5 inside of the premises but upon being refused further service due to a large bar tab he had initially refused to leave the premises. This male was described as walking back into the premises on several occasions – Mr Kavanagh stated because of this the bar was closed for around 30 minutes before reopening and he had not known the male was fighting on the street,

7 A licensing compliance check was undertaken, and licensing officers asked questions relating to the way the club was being operated. Mr Fisher stated the committee is made up of 6 people and consists of the President, Secretary, Treasurer and a bar manager alongside two members who don't have a defined role. Mr Fisher stated an AGM meeting was held in April 2022 however no minutes could be produced to support this, it was further stated the committee meet every 2/3 weeks, but no minutes could be provided. It was later accepted that meeting dates are proposed however don't take place on a frequent basis. Meeting minutes are not taken during the meeting but are written by Mr Fisher at this home address following the meeting. Mr Fisher accepted the meeting minutes were of poor quality describing them as sporadic and not complete.

8 It was stated the club has approximately 150/200 members who pay £5 per year for full membership and a financial statement dated December 2021 was available.

9 When asked whether the club permits entry to guests of members it was stated by both Mr Kavanagh and Mr Fisher that the club operates a day membership scheme. Persons who are not bone fide members are permitted to pay £1 to enter the premises as a day guest. These customers are permitted to participate in bingo and club activities without any period of time elapsing prior to entry and participation.

10 Both Mr Kavanagh and Mr Fisher accepted that entry is also permitted to customers who are not members or the guest of a member. It was further accepted that on both the 31st May and 20th June no one had signed into the premises and customers had been served alcohol who were not a member or their guest. Mr Kavanagh stated that on 20th June approximately 100 people were at the premises with only 20% being members or their guest.

11 Upon viewing the club signing in book for members it was apparent that it is rarely completed. Photographs were taken of the members book and are exhibited as part of this report.

12 The club has a rule book however members are not provided with a copy of this, upon viewing the constitution it was outdated and detailed a vice chair of the committee. It was accepted that neither Mr Kavanagh or Mr Fisher knew the content of the rule book or constitution and had not been aware of the requirement to have a vice chair by their constitution.

13 Licensing officers asked to view CCTV at the premises relating to the 31st May and 20th June 2022. Mr Kavanagh stated the CCTV installed used to have a 30-day recording capacity which was implemented following a South Yorkshire Police action plan in October 2021, however they had reduced the capacity back to approximately 14 days.

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14.5 Upon viewing footage for 31st May officers did not discover fighting during the periods of footage viewed. Footage was viewed for 20th June which did show Police officers arriving and speaking with a male outside of the premises. Fighting was not seen on the footage however a group of males, including the one spoken to by Police, were out of sight of the cameras when outside. Footage was viewed past the reported time of the incident which was 23.00hrs to ascertain if the fighting occurred after Police had left the area. Upon viewing footage past midnight licensing officers saw Mr Fisher pouring a pint of alcohol at the bar. As the club premises certificate only authorises the sale or supply of alcohol until midnight on this date officers viewed further footage to ascertain if alcohol was being supplied after the time authorised by the certificate.

15 Officers viewed CCTV from Thursday 16th June 2022, the club premises certificate authorises the sale or supply of alcohol until midnight. Officers witnessed alcohol being sold on 6 occasions after midnight by both Mr Kavanagh and Mr Fisher. The times of sale were 00.26, 00.30, 00.57, 01.12,

01.14 and again at 01.14hrs. On all occasions payment in cash is seen.

16 CCTV viewed from Friday 17th June 2022 evidenced alcohol being sold on 9 occasions after the time authorised by the certificate by both Mr Kavanagh and Mr Fisher. The times of sale were 01.20, again at 01.20, 01.44, 02.00, 02.18, 02.19, 02.49, 02.59, 04.06hrs. The time authorised by the certificate was 01.00hrs, on all occasions payment in cash is seen.

17 CCTV viewed from Sunday 19th June 2022 evidenced alcohol being sold on two occasions after the time authorised by the club premises certificate by Mr Fisher. Both of these occasions were at 00.27hrs – the certificate authorised the sale or supply of alcohol until midnight.

18 CCTV viewed from Monday 20th June evidenced alcohol being sold at 00.29hrs by Mr Kavanagh and receiving payment in cash. The certificate authorised the sale or supply of alcohol until midnight.

19 CCTV viewed from Tuesday 21st June 2022 evidenced alcohol being sold on two occasions after the time authorised by the certificate by Mr Kavanagh and Mr Fisher. The times of sale were 00.29, again at 00.29 and 00.51 hrs – the certificate authorised the sale or supply of alcohol until midnight.

20 Licensing officers also evidenced Mr Kavanagh and another female smoking inside of the premises at 01.56hrs on 17th June 2022 whilst seated at a table with Mr Fisher.

Recordings of the CCTV were taken along with still images which are exhibited as part of this report.

21 On Wednesday 20th July 2022 Mr Kavanagh were interviewed under caution by licensing officer of the Council. Both Mr Kavanagh and Mr Fisher accepted that alcohol had been sold from the premises after the time authorised by the club premises certificate. It was further accepted that the sale of alcohol has been taking place on a once or twice weekly basis regularly. Both Mr Kavanagh and Mr Fisher accepted that it was them in the CCTV footage and they had been the ones selling the alcohol on the dates provided.

22 Mr Fisher initially stated the alcohol was sold to staff and committee members only after the authorised time. This account was changed however upon the production of still CCTV images showing other persons present – Mr Fisher accepted these persons were customers.

23 Both Mr Kavanagh and Mr Fisher accepted there was a lack of training at the club around the responsible selling of alcohol, with staff and committee members not being aware of the authorised times or how to ensure customers are over 18.
Mr Fisher initially stated he was responsible for training staff members and that all had received training. However, when questioned, Mr Fisher couldn't say what staff members had been trained in and could not provide a clear answer when asked to explain the age verification policy.

24 Licensing officers have been involved with the premises prior to the visit in June 2022.

25 On 26th June 2021 a resident contacted the licensing service reporting an incident on 25th June 2021. The complainant stated a group of young males were drinking outside of the premises and had been throwing glasses onto the street. It was further stated the group were climbing in and out of residents' gardens and had caused damage to a fence panel by kicking it.

NOTHING TO DO WITH CLUBS

26 Licensing officers were contacted on 12th July 2021 by the Council's housing services department. It was stated they had carried out a welfare check on a Council tenant as he had reported a significant decline in his mental health caused by the premises.
During the visit it was stated an incident had taken place on 11th July 2021 at approximately 22.30 which had carried on until after midnight. Council officers visiting were shown mobile phone

(5)

- 40 The premises accepted that they were out of control on 11th July but didn't accept there was a drugs issue at the premises stating that they are a family club. South Yorkshire Police used two cocaine identification wipes - one in the male toilets and one in the female. The male toilets tested a strong positive on flat surfaces including the toilet seat, the female toilets tested positive on the baby change.
- 41 Mr Fisher stated on 11th July it went off the scale and was like a drugs war outside of the premises - cars arrived to join in a fight but they had not been inside of the premises.
- 42 It was discussed with Mr Fisher that on none of the occasions of disorder were the incidents called in by the premises - it was residents on each occasion - no reason for this or mitigation was provided.
- 43 Mr Fisher was asked to provide a financial statement, but he was unaware of what a financial statement was, it was stated 4 people were on the committee, but none had a clearly defined role.
- 44 It was further accepted that staff were unaware of the times authorised by the club premises certificate and that alcohol had been supplied or sold after the authorised time on numerous occasions. Mr Fisher was issued a warning for offences committed under Section 136 Licensing Act 2003 on 21st July 2021.
- 45 In October 2021 South Yorkshire Police agreed a voluntary action plan with Mr Fisher following the incidents of disorder. As part of the action plan 18 actions were agreed to be implemented and adhered to. Condition 1 required the premises to install a CCTV system with 30 day recording capacity and ensure it was working. When visiting the premises on 28th June 2022 it was evident that although a CCTV system was installed at the premises the recording capacity was significantly shorter than the 30 days agreed in 2021 with the police.
- 46 Condition 7 required the premises to put a member of staff through training to become a personal licence holder and ensure the licence was applied for. On 28th June 2022 when questioned Mr Fisher stated this had not taken place.
- 47 Condition 8 requires all staff to be trained on an annual basis and this be recorded. When visiting the premises on 28th June 2022 it was evident staff had not been trained and no evidence could be provided.
- 48 Condition 10 required challenge 25 age verification to be implemented and followed. There was no evidence of this when visiting the premises in June 2022 and it was accepted by Mr Fisher that he was unclear on the age verification policy.
- 49 Condition 14 required an admissions policy to be in place at the premises, it was accepted that this isn't in place. It further required a member of staff to be monitoring the entrance door and ensuring all members sign into the club premises. It was accepted by Mr Fisher in interview that this had not been taking place.
- 50 Both Mr Fisher and Mr Kavanagh have been involved with the premises for several years and were on the committee when the action plan was agreed, and written warning issued in 2021. Little improvement was made to the running of the premises and alcohol was continued to be sold after the time authorised by the club premises certificate. The selling of the alcohol is a prosecutable offence under Section 136 Licensing Act 2003. Having taken into consideration previous warnings and the Council have instigated prosecution proceedings for both Mr Fisher and Mr Kavanagh.
- 51 The club premises was not operating as a qualifying club in 2021 and despite a warning to improve the premises continue to operate as a club that isn't qualifying as defined by the Licensing Act 2003.

ANNUAL REPORT
OF ACCOUNTS

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The Licensing Authority have no confidence in Mr Kavanagh or Mr Fisher's ability to improve the running of the club premises, comply with Section 136 Licensing Act 2003 or uphold the licensing objectives. Lengthy and repeated visits have been undertaken at the premises alongside written warnings and notices to improve, these have however not resulted in any improvements being made or compliance.