

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 26 October 2017

PRESENT: Councillors Josie Paszek (Chair), Lisa Banes and Vickie Priestley

.....

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Neale Gibson attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

- 2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - STREET CITY LTD (WAREHOUSE), 863 ECCLESALL ROAD, SHEFFIELD, S11 8TJ

- 4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence, made under Section 17 of the Licensing Act 2003, in respect of the premises known as Street City Ltd (Warehouse), 863 Ecclesall Road, Sheffield, S11 8TJ (Ref No. 44/17).
- 4.2 Present at the meeting were Tim Shield (John Gaunt and Partners, Solicitors, for the Public Objectors), Louise Shield, Richard Watts, Christine Watts, John Dawson, Jenny Allen and Renato Martins (Public Objectors), Sean Gibbons (Health Protection Service, Objector), Jonathan Round (Environmental Protection Service, Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that 48 public objections and objections from the Council's Environmental Protection Service and Health Protection Service had been received, and were attached at Appendix 'B' to the report. All 48 public objectors had been invited to attend the meeting. Seven attended the meeting, with three wishing to make making oral representations. The applicants had also been invited to the meeting, but did not attend. Mr Stephenson added that the application had initially been submitted for consideration at a meeting on 13th April, 2017, but the Sub-Committee, on the request of the applicant's representative, adjourned the

hearing to allow the applicants to submit an acoustic report.

- 4.5 Sean Gibbons stated that the Health Protection Service's (HPS) objections referred to public safety aspects regarding the application. Mr Gibbons referred to the plan accompanying the application, indicating that it did not clearly define the licensed areas, nor did it clearly show access and egress routes in and out of the premises. There was no internal access to the toilet facilities, and there were also concerns regarding the use of the mezzanine level, potential overcrowding and public access to the raised stage. Mr Gibbons stated that he had made a number of attempts to discuss his concerns with the applicants, in connection with the events held on the premises using Temporary Event Notices (TENs), and had met with them following the submission of his notice of objection, in order to discuss such concerns. He had also suggested a number of conditions, but had not received any response from them following such action. He therefore still had outstanding concerns with regard to the holding of licensed events, as proposed, at this location.
- 4.6 Following a question raised by Tim Shield, Mr Gibbons confirmed that the Health Protection Service had submitted an outright objection to the application.
- 4.7 Jonathan Round stated that the applicants had held two events, using TENs, on the site after the Environmental Protection Service (EPS) had formally objected to the application for a Premises Licence in April 2017, in connection with the original application. As part of the events, the Service had been led to believe that the amplified music would cease at 23:00 hours, but reports of it going on longer than this had been received. As well as the music, there were also complaints of noise nuisance as a result of vehicles arriving and leaving the site, both as part of the setting up, and clearing up, of the events, sometimes as late as 02:00 hours. Mr Round, together with Sean Gibbons and an officer from Development Control, had met with the applicant's agent, prior to the meeting of the Sub-Committee on 13th April, 2017, to consider the application for a Premises Licence. It was made clear that the Council would only accept a market-style operation on the site, finishing at 20:00 hours. Mr Round also stated that an acoustic report had been requested at that meeting, with a similar request being made at the Sub-Committee meeting on 13th April 2017. He concluded by stating that, although he was aware of such a report having been completed before 13th April 2017, such report had still not been submitted to the Authority.
- 4.8 Following a question raised by Tim Shield, Mr Round confirmed that the Environmental Protection Service had submitted an outright objection to the application.
- 4.9 In response to a question by the Chair, addressed to both the EPS and HPS, Mr Gibbons stated that he had had a brief discussion with the applicants, following the Sub-Committee's meeting on 13th April 2017, during which he had passed on his contact details, together with a request for the applicant to contact him to discuss any outstanding issues, but he had not received any contact from the applicants. Mr Round confirmed that he had had a conversation with the applicants in connection with an event held under a TEN, in June 2017, but had not had any discussions in connection with the application for a Premises Licence.

He added that his Service had been involved with two incidents of controlled burning on the site, one such incident involving the applicants. He also stated that he believed planning permission had been granted in respect of an application for the use of buildings on the same site to be used as a nursery, indicating that this could likely result in safeguarding concerns.

- 4.10 Tim Shield indicated that he was acting on behalf of St William of York Church, the Church Priest and a number of Church parishioners and local residents. He stated that the objectors' primary concerns related to public nuisance arising from the activities on the site. Mr Shield stated that the events on the site have significantly impacted upon parishioners attending St William's Church, particularly the 18:30 mass, which was held every Saturday evening. Reference was made to existing traffic problems in the area, with a number of restaurants, takeaways, Napoleon's Casino and the Co-operative Supermarket, all within the immediate vicinity of the site, with Street City events resulting in a significant increase in traffic congestion. This also created parking problems and noise nuisance issues for local residents. The events also resulted in an increase in rubbish on the surrounding streets, including the driveway to, and the area outside, the Church Hall. Mr Shield referred to the Sub-Committee meeting held on 13th April 2017, stressing that the meeting had been adjourned at the request of the applicants, subject to them arranging an acoustic report, for submission to the Authority, but this had not materialised. He also made reference to the fact that the applicants had not attended this meeting, and had not notified the Licensing Authority that they would not be doing so. In terms of the application, Mr Shield stated that whilst the TENs had allowed activity up to 23:00 hours, the applicants were now requesting activity up to 01:00 hours on Friday and Saturday, which would greatly increase the potential for noise nuisance. Mr Shield concluded by stating that as the applicants had failed to provide any evidence in connection with how noise would be contained, and for all the other reasons outlined in his and the other objectors' representations, the application should be refused.
- 4.11 Councillor Bob Pullin, speaking, with the leave of the Chair, both as an interested party and representing a number of local residents, stated that he had attended two events held on the site, under TENs, and had a number of concerns with regard to both organisational and health and safety aspects of the events. He stated that there was no clear traffic management plan, which was required in an already congested area. Despite this, there was no-one directing traffic, which he believed was necessary, particularly in the light of the number of young children attending the events. Councillor Pullin also stated there were no notices in terms of lost children or first aid which, he believed, should be a necessity. He believed that there would be problems in terms of evacuating the site in the event of an incident, given how densely populated the area was when events were taking place. He also made reference to an apparent lack of operational procedures, which he considered necessary given the potential for issues with regard to the mixed activity on the site, namely children's rides, including bouncy castles, food vans/stalls and a licensed bar. Councillor Pullin made specific reference to the area named 'Bouncy City', which comprised a selection of bouncy castles, indicating that there was only one member of staff looking after all the equipment.

- 4.12 Renato Martins stated that, as well as all the other problems faced by residents when events were being held at the site, there was also an issue in terms of light pollution, both during the events and when setting up and clearing away.
- 4.13 Richard Watts stated that weddings were often held at St Williams' Church on Saturdays, which could be affected by noise nuisance connected to the events on the site. He also emphasised the potential problems involved in an emergency evacuation, indicating that the only pedestrian route on and off the site, comprised a pavement leading to Ecclesall Road, and this was only 1.5 metres at its widest point.
- 4.14 Tim Shield summarised his case, indicating that the onus should be on the applicants to show how they are going to promote the licensing objectives and, apart from a brief reference to this in the application, there was no other evidence provided.
- 4.15 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.16 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.17 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.18 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.19 RESOLVED: That the application for the grant of a Premises Licence in respect of the premises known as Street City Ltd (Warehouse), 863 Ecclesall Road, Sheffield, S11 8TJ (Ref No. 44/17), be rejected on the basis that the Sub-Committee do not consider the licensing objectives to have been upheld.

(The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)