

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 14 December 2020

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

PRESENT: Councillors Karen McGowan (Chair), Roger Davison, Cliff Woodcraft and Sioned-Mair Richards

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

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 - TRAXX MARKET, MARKET PLACE, CHAPELTOWN, SHEFFIELD S35 2UU

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a premises licence made under Section 17 of the Licensing Act 2003 in respect of the premises known as Traxx Market, Market Place, Chapeltown, Sheffield S35 2UU (Ref No.94/20).

4.2 Present at the meeting were Clare Gilberthorpe (Objector), Councillors Anthea Brownrigg and David Ogle (Ecclesfield Parish Councillors, Objectors), Karen Beighton (Chapel Green Community Enterprise on behalf of the applicants), Brad Smith (Designated Premises Supervisor) and Barry Turvill (Applicant), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure to be followed during the hearing.

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that relevant representations in respect of the application had been received from 31 interested parties objecting to the application, which were attached at Appendix "B" to the report, and from eight parties in support of the application, which were attached at Appendix "B1" to the report. Clive Stephenson reported that the applicant had agreed conditions with South Yorkshire Police, which were detailed in

the report.

- 4.5 Clare Gilberthorpe stated that local residents became aware of the application when notices were posted on lamp posts outside their homes and subsequently started a petition. When they queried the application, they were told that the application was of no concern to them. She said that she had no objection to the market being held or a bar, she just didn't want it on her doorstep. She stated that her main concern was that she lives opposite this site and felt that there would be an increase in noise levels. Ms. Gilberthorpe feared there would be an increase in anti-social behaviour caused by people being intoxicated. She said there were problems with parking along her road and people urinating in the street. She said that school children walk up and down the road and could possibly come into contact with people who are sat outside drinking. She said taking into account these issues, she couldn't understand why the application was for seven days a week when currently the market opened on Fridays and Saturdays and didn't cause any real problems. She said that background music played did not cause a noise nuisance but feared there would be a problem if live music was allowed.
- 4.6 Councillor Anthea Brownrigg said that most of her objections had been raised but wished to reiterate that the Parish Council did not support the application.
- 4.7 In response to questions from Members of the Sub-Committee, Clare Gilberthorpe stated that there had been a stabbing incident a couple of years ago at the end of Smith Street and there were problems with parking and cars being damaged.
- 4.8 Karen Beighton stated that Traxx Market was a community enterprise and operated by volunteers. She said that the application was intended to extend the market opening hours from Fridays and Saturdays to include Sundays and bank holidays. In response to objections received, she feels that there should have been better communication between the enterprise and local residents and for their intentions to be made clearer. Karen Beighton stated that the occasions to have live music at the site would be very rare. She said that since the market had re-opened in June, the site had been cleaned, rubbish removed, the drains cleared and two portable toilets made available on market days. Contracts were in place for rubbish collection from the site every week and there would not be any deliveries to the market through Smith Street. The gates to the site were kept closed but not locked as they provided emergency access to the area. She said the Traxx team had ensured that the market was a safe environment and strict processes had been put in place with regard to Covid.
- 4.9 Brad Smith said the application for a seven day licence was to allow for the flexibility of bank holidays falling on different days of the week, with no intention of operating for seven days. He said that since the building previously on site had been removed, the area was much cleaner and the background music was kept low so as not to disturb residents. Brad Smith said other businesses in the area have welcomed the market, saying that it is good for their businesses and attracts more custom. He said it had never been his intention to alienate residents, and had intended to communicate with them explaining the situation. He said that in a letter sent to residents dated 14th November, 2020, he had included his personal details should any resident wish to contact him regarding their concerns.

- 4.10 In response to questions from Members, Karen Beighton stated that the brass band that had been playing at the market in the lead up to Christmas were positioned on the Smith Street side of the area, which was due to the siting of a gazebo put in place should there be inclement weather. She said that she had no previous experience in applying for a licence and in hindsight has learned that it would have been better to consult with residents first and has learned from this. Ms. Beighton stated that the current market licence was owned by the Workingmen's Club and the market has been operating with Temporary Event Notices (TENs). She said the current licence has no restrictions on it, but application was made due to the market opening earlier on Friday mornings.
- 4.11 In summing up, the applicants said that they had learned the importance of communication and will communicate with residents in future. They said it was never their intention to operate seven days per week and turn the area into a party venue or live music area. Brad Smith said that he and his partner were responsible business owners, heavily involved in the Chapeltown area and felt that the market had brought the community together in what had been a very difficult year for many people.
- 4.12 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.13 RESOLVED: That the 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.
- 4.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.15 RESOLVED: That the Sub-Committee, in the light of the contents of the report now submitted, together with the representations now made, including the responses provided to the questions raised, agrees to grant the licence in respect of the premises known as Traxx Market, Market Place, Chapeltown, Sheffield S35 2UU (Ref No.94/20) subject to the following conditions:-
- (a) to grant the licence in the terms requested in accordance with the modified operating schedule;
 - (b) during the hearing, the applicant agreed to the following condition being added:
 - the premises will not operate for seven consecutive days
 - (c) Members determined to add the following conditions:
 - The licence is to be granted for Friday, Saturday and Sundays, English bank holidays and up to ten additional dates per calendar year;
 - The 10 additional dates to be notified in advance to SYP,

Environmental Protection Service and to the clerk to the Parish Council no less than six weeks in advance of the event;

- The Smith Street gate will not be used for deliveries; and
- The Smith Street gate will be closed when music is played at the premises.

(NOTE: The decision will be relayed to all interested parties following the meeting and the full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)