

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 25 July 2016

**PRESENT:** Councillors Alan Law (Chair), George Lindars-Hammond and Josie Paszek

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#### **1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Andy Bainbridge 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 - CROSSFIT SCI, UNIT 8, FARFIELD INDUSTRIAL ESTATE, 12 HILLFOOT ROAD, SHEFFIELD, S3 8AA**

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 Crossfit SCI, Unit 8, Farfield Industrial Estate, 12 Hillfoot Road, Sheffield, S3 8AA.

4.2 Present at the meeting were Sean Gibbons (Health Protection Service, Objector), Benita Mumby (South Yorkshire Police, Objector), Neil Pates (Environmental Protection Service, Objector), Julie Hague (Sheffield Safeguarding Children Board, Objector), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 The applicant, who had been invited, did not attend the hearing, and the Sub-Committee agreed to consider the application in her absence.

4.4 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.5 Andy Ruston presented the report to the Sub-Committee, and it was noted that objections had been received from the Health Protection Service, South Yorkshire Police, Environmental Protection Service and the Sheffield Safeguarding Children Board, and were attached at Appendices 'B', 'C', 'D' and 'E', respectively.

4.6 Julie Hague stated that the Sheffield Safeguarding Children Board had a number

of concerns with regard to the application, relating mainly to the lack of detail, specifically with regard to safeguarding. There were no details in terms of whether Challenge 21 or 25 would be used in terms of the adult events at the venue and very little detail, if any, relating to what safeguarding steps would be taken in connection with children's events. Ms Hague stated that she had notified the applicant of two suggested conditions, relating to safeguarding, but the applicant had failed to respond.

- 4.7 Sean Gibbons circulated a number of photographs of the premises and its surroundings. He indicated that the Health Protection Service had a number of concerns regarding the application, which had been raised with the applicant at a site meeting held on 6<sup>th</sup> June 2016. Some of these concerns included a lack of detail in respect of the plan of the premises, its capacity, the location of any proposed bar area and the general operation of the premises. He stated that it had been very difficult for the Service to make any assessment of the application as the applicant had been very unresponsive. He raised further concerns regarding the lack of detail relating to proposed boxing or wrestling events, live music events, late night refreshments and the footfall of customers arriving and leaving the premises on the basis that it was situated on an industrial estate. Whilst the structure of the premises was generally suitable for the planned events, there were insufficient toilet/washing facilities, and the mezzanine area was not guarded or load bearing. Mr Gibbons also stated that the Service had experienced problems in contacting the applicant, and with the applicant not responding.
- 4.8 Benita Mumby stated that the police's objections related to the lack of detail in the application, and lack of clarity in terms of the different events proposed at the premises. She stated that there were also concerns in terms of public safety and public nuisance, both relating to the nature of the surrounding area in terms of events held at night, and regarding the safety of young children, again due to the nature of the surrounding area and the heavy traffic. The police had specific concerns with regard to the proposal to open for 24 hours at weekends, and were concerned that there was a high potential for a drain on their resources linked to the operation of the premises.
- 4.9 Neil Pates expressed similar views to the other objectors in that he considered the application to be very open, vague and flexible, which had resulted in the Service not being able to provide appropriate advice to the applicant. The Service was in a position to provide a wide range of advice in terms of sound management but, in the light of the lack of clarity in terms of the applicant's plans, as well as her failing to respond to correspondence, this had proved very difficult. He expressed concern at the potential for events to be held at the premises, with no appropriate controls, or any measures to deal with noise breakout, both during the night and during the day.
- 4.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee, it was stated that, in terms of contact with the applicant, the Sheffield Safeguarding Children Board had received no response at all to their queries, and, although the other services had met with the applicant on 6<sup>th</sup> June 2016, she had not got back to them, despite promising to do so following a number of

queries and concerns raised at this meeting. It was believed that the applicant's father either owned or leased the unit, which was currently being used as a gym, and it was the intention for his daughter, the applicant, to manage the business. It was confirmed that Arthur's Skips were based very close to the premises, which, along with other businesses on the industrial estate, could cause problems with regard to health and safety, particularly if young children were attending the venue.

- 4.11 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.
- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.14 RESOLVED: That in the light of the information contained in the report now submitted, together with the representations now made, and the responses to the questions raised, the application for the grant of a Premises Licence in respect of Crossfit SCI, Unit 8, Farfield Industrial Estate, 12 Hillfoot Road, Sheffield, S3 8AA, be rejected.

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

## **5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STATIC STREET TRADING CONSENT - DEVONSHIRE GREEN, SHEFFIELD CITY CENTRE**

- 5.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Static Street Trading Consent for Devonshire Green, Sheffield City Centre (Case No. 63/16).
- 5.2 Present at the meeting were Ian Pointon (Applicant), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 5.4 Andy Ruston presented the report, and it was noted that comments on the application had been received from Lucy Bond, Planning

Development Team Manager, and were attached at Appendix 'B' to the report.

- 5.5 Ian Pointon stated that he was aware that there were issues in terms of the application not fully meeting the requirements of the City Centre Qualitative Criteria for Street Trading, but stressed that the colour and design of the trailer would not have an adverse effect on the local surroundings. He added that the trailer was eco-friendly, and that the food on offer would be all locally sourced, and of good quality.
- 5.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Pointon stated that to get the trailer on site, it would have to be towed as far as possible, then moved into position by hand. Although he had not spoken to any Council officers with regard to the style and design of the trailer, he had discussed this with a number of shop owners in the area, who had indicated that they had no issues. Whilst he accepted that the trailer did not meet the Council's City Centre Qualitative Criteria in terms of its size, he indicated that it would be difficult to find a suitable trailer to enable him to operate as he planned, and that he had seen other catering vans in the City Centre which were bigger than his. Mr Pointon stated that he had traded in other areas of the City, and had used the trailer for catering purposes at a number of weddings and other events. Whilst he would not wish to change the colour of the trailer, he indicated that he would be happy to consider any suggestions in terms of amendments to its design in order to make it more attractive. The trailer met all the necessary health and safety requirements.
- 5.7 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.
- 5.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.10 RESOLVED: That, following consideration of the information contained in the report now submitted, together with the information now reported, the meeting be adjourned pending a site visit, to allow Members to view the trailer in the context of its surroundings.

## **6. RECONVENED MEETING ON 11TH AUGUST 2016**

PRESENT: Councillors Alan Law (Chair), George Lindars-Hammond and

Josie Paszek  
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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

**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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STATIC STREET TRADING CONSENT - DEVONSHIRE GREEN, SHEFFIELD CITY CENTRE**

4.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Static Street Trading Consent for Devonshire Green, Sheffield City Centre (Case No. 63/16).

4.2 The Chief Licensing Officer reported that the meeting of the Sub-Committee on 25<sup>th</sup> July 2016, had been adjourned to allow Members to undertake a site visit, to allow them to view the trailer in the context of its surroundings.

4.3 Present at the meeting were Ian Pointon (Applicant), Guy Biggin (Ambassador Supervisor), Steve Cooper (City Centre Resources Manager), Andy Ruston (Licensing Enforcement and Technical Officer) and Marie-Claire Frankie (Solicitor to the Sub-Committee).

4.4 **RESOLVED:** That, following the site visit now made, approval be given for the grant of a Static Street Trading Consent for Devonshire Green, Sheffield City Centre (Case No. 63/16), for a period of 12 months, excluding any events held on Devonshire Green.