

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 10 October 2017

PRESENT: Councillors Josie Paszek (Chair), Kieran Harpham and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3. There were no declarations of interest.

4. LICENSING ACT 2003 - CADS, EAGLE WORKS, 90 STEVENSON ROAD, SHEFFIELD, S9 3GX

4.1 The Chief Licensing Officer submitted a report to consider objections to two Temporary Event Notices (TENs), under Section 104(2) of the Licensing Act 2003, in respect of the premises known as CADS, Eagle Works, 90 Stevenson Road, Sheffield S9 3GX (Ref No. 131/17).

4.2 Present at the meeting were Sean Gibbons and Shiva Prasad (Health and Safety Enforcement, Objectors), Russ Parramore (Emergency Planning Officer, South Yorkshire Fire and Rescue Service, supporting the Objectors), Steve Rimmer (Trustee, CADS), Craig Harper (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 Craig Harper presented the report to the Sub-Committee, and it was noted that notices of objection to the Temporary Event Notices (TENs) had been submitted by the Environmental Protection Service on 5th October, 2017, and were attached at Appendix "B" to the report.

4.5 Sean Gibbons stated that the Health and Safety Enforcement Team had always had a good working relationship with CADS (Creative Arts Development Space) in connection with previous TENs. Officers had visited Eagle Works to discuss the practicalities with regard to proposed events, including the most recent event held in September

2017. The Council's Environmental Regulation Service (ERS) had been made aware of concerns of the Emergency Planning Officer from the South Yorkshire Fire and Rescue Service with regard to the close proximity between Eagle Works and Outokumpu ASR Rod Mill on Stevenson Road. The concerns related to the potential release of noxious substances from the Outokumpu site, in the event of a major incident. Mr Gibbons stated that the Control of Major Accident Hazard Regulations 2015 (COMAH) applied to the Outokumpu site. Shiva Prasad added that the ERS undertook a similar role as the Health and Safety Executive (HSE). However, the HSE was the enforcing authority for regulating COMAH sites.

- 4.6 Russ Parramore indicated that he was attending the meeting in support of the objections to the two TENS, and to provide more detailed, technical information with regard to the COMAH Regulations, and the risks involved in the event of a major incident. The COMAH sites, of which there were eight in South Yorkshire, were categorised in terms of the quantity of hazardous substances stored on site. The Health and Safety Executive had overall responsibility for the COMAH sites, with the local Emergency Planning Service having the responsibility for the local plan for the Outokumpu site. Mr Parramore stated that, due to the level of hazardous substances stored on the site, Outokumpu had been designated as upper-tier site although, to date, there had been no need to activate the off-site plan. Mr Parramore referred to the two biggest potential risks in terms of gas leaks and to the various acids that were stored on site, which included hydrofluoric acid which, in the event of an accidental leak, would result in hydrofluoric gas being released into the atmosphere. There were serious concerns, given the close proximity of Eagle Works to the Outokumpu site which, in the event of a major incident, could result in serious injury to those people attending the event, which would include skin irritation and difficulty in breathing and, in the worst case scenario, death. Reference was made to the statutory responsibility of the Emergency Planning Service, in the light of a major incident, which would involve informing all local residents and businesses within the immediate vicinity of the affected site, and there were concerns, given the nature of the event, that the organisers may struggle to hear any warning sirens or telephone calls. In terms of action by the emergency services in the event of a major incident, it was envisaged that the Fire Service would reach the site within approximately 20 minutes, then take a further 30 minutes to douse any gas leakage in order to weaken any adverse effects. Mr Parramore stressed that, whilst he believed the Outokumpu site to be very safe in terms of its health and safety protocols in place, there was always the risk of equipment failure, human error or deliberate acts, which could create a gas leak. Mr Parramore concluded by stating that there had not been any major incidents at the Outokumpu site, since it commenced operations in 1996, but there had been a major incident at a site in Rotherham. Shiva Prasad stated that the ERS was supportive of CADS, but had objected to the TENS due to the potential risks

involved due to the large number of people within very close proximity to Outokumpu, and potential difficulties in the light of the nature of the event.

4.7 In response to questions from Members of the Sub-Committee and Steve Rimmer, Mr Parramore provided technical information in terms of the percentage level, and concentration of, the acid stored on the site, highlighting the fact that the acid would generally gas off at a level of 48%, whereas the acid stored at the Outokumpu site was stored at 35%. The major incident which occurred in Rotherham was the result of a faulty gas valve on a storage tank. The appropriate emergency procedures were put in place, and there were no major problems arising from the incident, mainly due to the location of the site in question, in that there was little, or no, housing or other businesses in the immediate vicinity. Although the Outokumpu site was in operation 24 hours a day, meaning that the site was permanently manned, the time taken to raise an alarm, and put the emergency planning procedures into place, was dependent on the location of the staff on duty at the time. In the light of a major incident, the Emergency Planning Service's plan required as many people as possible, within a seven km radius of the site, being informed of the incident. Mr Parramore confirmed that the distance between the Outokumpu site and Eagle Works was between 200 and 250 metres. The Emergency Planning Service and the Council's Health and Safety Enforcement Team had been informed about the previous event held at Eagle Works at around 16:30 hours on the day of the event. Mr Parramore confirmed that the area within the immediate vicinity of the Outokumpu site comprised mainly industrial units, with Attercliffe Road and Brightside Lane being located approximately a quarter of a mile away, in different directions, with the majority of residential accommodation being situated in the Attercliffe Road area. All householders and business owners within the immediate vicinity of the site will have been provided with information in terms of the risks involved, and the action to be taken in the light of a major incident.

4.8 Steve Rimmer referred to the role of CADS, indicating that it was a Charity with a mission to provide affordable space to people, in connection with creative arts, regardless of their social or economic circumstances. It took on Eagle Works in 2016, with the aim of renting it out for events in order to raise income. Mr Rimmer stated that they had held a test event at the premises in Spring 2017, seeking advice from the Environmental Regulation Service, with who they had always had a good working relationship. CADS submitted a TEN in September 2017, prior to which officers from the Health and Safety Enforcement Team had visited the premises to express their concerns. The Charity had taken steps in order to mitigate such concerns and, as part of the TEN process, had assumed that all relevant authorities had been informed. Mr Rimmer stated that, although he had received a telephone call from the Council's Health and Safety Team, acting on advice from the EPO on the day of the

event, expressing concerns at the risks involved, the precise nature, and level of, risk was not made clear to him, nor was he offered any advice in terms of control measures to be put in place. In addition to this, Mr Rimmer indicated that he had only received basic health and safety advice from Outokumpu. He stated that CADS took its responsibilities with regard to health and safety very seriously, and was very respectful in terms of any advice provided. He added that they would take on board any advice regarding control measures and risk management in terms of the organisation of any future events at the premises. Mr Rimmer referred to representations made by Councillor Douglas Johnson, in support of the work of CADS in general, and more specifically, the two TENs. He also made reference to the support of other Members to the work undertaken by CADS. He concluded by stating that, whilst being respectful, he considered the level of risk very low, given all the advice provided at the hearing.

- 4.9 In response to questions from Members of the Sub-Committee, and officers in attendance, Mr Rimmer stated that a number of security staff would be employed to manage the event, all of whom would be Security Industry Association (SIA) accredited, and who would all have been trained to deal with any circumstances arising from a major incident. Mr Rimmer confirmed that they had sold a number of tickets for both events, and having to cancel the events at this late stage would cause a number of problems. In terms of control measures in light of an incident, Mr Rimmer stated that he believed that the security staff on duty at the events would be able to control the crowds sufficiently, and that they would be able to seal an area within the premises to ensure the attendees' safety. Although he accepted that there could be issues in terms of people being under the influence of alcohol, he stated that similar procedures would be adopted as with a fire, and believed that the organisers and security staff would be able to manage any incidents in an efficient manner. Mr Rimmer confirmed that there had been no requirement to apply for planning permission in connection with the use of the building and that permitted uses for the building included anything relating to creative activity. Mr Rimmer stated that, if this application was not granted, it was likely that CADS would not submit any further TENs of this nature, at Eagle Works. In terms of moving forward, CADS would be open to looking at applying for a full Premises Licence, but would have to give consideration to the financial viability involved in this. CADS had a space hire agreement with all groups and organisations who hired their premises for events, all of whom were known to the Charity, and were required to conform to such conditions. In terms of control measures, in the light of a major incident, Mr Rimmer confirmed that whilst the garage unit had sealable doors, the warehouse unit was not totally enclosed, although people could be moved to other areas of the site, which could be sealed. The events would comprise a DJ and amplified music, with attendees, who would be within the 18 to 35 year old age range, being in both the garage and warehouse units. All tankers storing acid on the Outokumpu site would have sensors on the valves, but the

incident in Rotherham had been caused as a result of a faulty valve, where the sensor had not been activated. It was confirmed that the Outokumpu site operated in accordance with all required safety measures, including sensors on all the storage tanks.

- 4.10 The objectors and Mr Rimmer summarised their cases.
- 4.11 RESOLVED: That the public and press and attendees involved in the hearing 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 Samantha Bond 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, and the representations now made, the Sub-Committee agrees to acknowledge the Temporary Event Notices, in respect of the premises known as CADS, Eagle Works, 90 Stevenson Road, Sheffield S9 3GX (Ref No. 131/17) allowing the events to go ahead on the proposed dates as per the Notices.

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