

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 17 August 2021

**PRESENT:** Councillors Lewis Chinchin, Joe Otten and Cliff Woodcraft

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#### **1. APPOINTMENT OF CHAIR**

- 1.1 RESOLVED: That in the absence of the Co-Chairs of the Sub-Committee (Councillors David Barker and Karen McGowan), Councillor Joe Otten be appointed Chair of the meeting.

#### **2. APOLOGIES FOR ABSENCE**

- 2.1 There were no apologies for absence. Councillor Ruth Milsom attended as a reserve Member, but was not required to stay.

#### **3. EXCLUSION OF PUBLIC AND PRESS**

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

#### **4. DECLARATIONS OF INTEREST**

- 4.1 There were no declarations of interest.

#### **5. LICENSING ACT 2003 - SJM CONCERTS, HILLSBOROUGH PARK**

- 5.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of premises known as SJM Concerts, Hillsborough Park, Sheffield (Ref No.55/21).
- 5.2 Present at the meeting were Kit Bailey, Kelli Graham, Pat Smith and Stephen Walton (SJM Concerts)(Applicants), Julie Birch and Eamonn Ward (Objectors), Gary Clifton (Major Events Manager, City Centre Management and Major Events, Sheffield City Council)(Observer), Matt Proctor (Sports Grounds and Events Lead Officer, Sheffield City Council Licensing Service), Marie-Claire Frankie (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 5.3 Marie-Claire Frankie outlined the procedure that would be followed during the hearing.
- 5.4 Matt Proctor presented the report to the Sub-Committee, and it was noted that

representations had been received from three interested parties and were attached at Appendix "B" to the report. Matt Proctor stated that one of the interested parties, Simon Benton, had contacted him stating that he would have wished to attend the hearing, but unfortunately was not available and asked that his representation be brought to the attention of the Sub-Committee.

- 5.5 Julie Birch stated that she lived opposite the area in Hillsborough Park where the events were generally held. She said that her home was situated at a distance of one road width and the same again from the Park and the noise emanating from the Park when events were taking place made it impossible for her to enjoy her own home, as the noise was horrendous. She said that the windows and floorboards in her home would vibrate due to the level of noise. In addition to the noise during the weekend of the Tramlines festival, Mrs. Birch said the heavy lorries transporting equipment during the building and dismantling of the site, and the persistent throbbing of the generators caused additional noise nuisance for approximately three weeks particularly when the Tramlines festival was to take place. She felt that to allow another noisy event to take place within Hillsborough Park would be one event too many.
- 5.6 In response to questions from Members of the Sub-Committee, Julie Birch said that Farrars Funfair was held in Hillsborough Park twice a year and was usually crunched up in the corner near to the houses. She said the Funfair visited for 10 days in May and again in August each year and the noise from the Funfair was extremely loud and lasted for up to eight hours a day. Mrs. Birch said other events included the Tramlines Festival, which lasts for three weeks in total, the "Owls in the Park" one day event, which caused additional parking problems in the area and the Friends Festival.
- 5.7 Eamonn Ward stated that he was making his representation on behalf of the Hillsborough Green Party and made comparisons to the recently held Tramlines Festival and the music festivals proposed by this application. Mr. Ward said that the Tramlines event was enjoyed by all who attended and also local residents and it had been seen as a massive boost to peoples wellbeing following the pandemic. However, complaints had been received from local residents regarding access to the Park, which had been restricted due to Tramlines, this at a time when there had been a week long heatwave and it was during the first week of the school holidays. Mr. Ward asked that, on behalf of local residents, the impact of an increasing number of events being held in Hillsborough Park be examined and evaluated. The problems caused by such events were anti-social behaviour, traffic and parking, as well as the impact already on local residents during matchdays at Sheffield Wednesday Football Club.
- 5.8 Matt Proctor referred to the Operating Schedule on page 16 of the report and stated that the applicant had agreed to a number of conditions should the application be granted. He pointed out that the applicant had agreed to offer a condition to be placed on the licence that at least six months' notice would be given to the relevant authorities in relation to the date of the event.
- 5.9 Steve Walton stated that he completely understood the noise nuisance caused to local residents but that the planned events were different to that of Tramlines,

whereby it would not open its gates to the public until 4.00 p.m., with the first band appearing at 5.00 p.m. He said that there would be three support acts and one main act with a total time where live music would be played of approximately three to four hours, with half an hour break between bands when it was expected that the noise level would drop significantly and unlike Tramlines, there would only be one stage. Mr. Walton said that the set up for the festival would take approximately seven to eight days and that once built, the site would be secured by security staff, and it was hoped that only three or four days would lead to access restrictions to the Park. He said that the proposed dates were 2<sup>nd</sup>/3<sup>rd</sup> June and 16<sup>th</sup>/17<sup>th</sup> June, 2023 and that there would be a six-month consultation period prior to the dates being confirmed.

- 5.10 In response to questions from Members of the Sub-Committee, Steve Walton stated that the company were driven by the commercial aspect of this type of event and at present could only commit to two evenings, until the popularity of the event was known with the possibility of a third night being added. He said that sound monitoring equipment would be used via a front of house mixing desk and that, if at any time there was sound breakout, staff around the site would radio through to the mixing desk and the noise levels would be lowered. With regard to the use of generators, Mr. Walton stated that these would not be used during the first three to four days of the set-up period.
- 5.11 In summing up, Steve Walton stated that when looking for a venue, they had requested Hillsborough Park because the Tramlines event had demonstrated that it worked for this type of event. He said that there would be a Resident Liaison Officer available most of the time to address any issues that might arise.
- 5.12 Matt Proctor again drew the Sub-Committee's attention to the submission made by Simon Benton prior to making their decision and outlined the options available to the Sub-Committee.
- 5.13 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.
- 5.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.16 RESOLVED: That, in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, the Sub-Committee agrees to grant a premises licence in respect of the premises known as SJM Concerts, Hillsborough Park, Sheffield (Ref. No. 55/21), in accordance with the Operating Schedule and the two following additional conditions:-

- (a) the event is to be held on a Friday, Saturday and Sunday; and
- (b) if the Monday following the Sunday is a school day then live music is to terminate at 21:00 hours.

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

**6. LICENSING ACT 2003 - CLUB BAIZE, 14 WEST STREET, BEIGHTON, SHEFFIELD S20 1EP**

- 6.1 The Chief Licensing Officer submitted a report to consider an application for the variation of a premises licence, made under Section 34 of the Licensing Act 2003, in respect of premises known as Club Baize, 14 West Street, Beighton, Sheffield S20 1EP (Ref No.54/21).
- 6.2 Present at the meeting were Patrick Robson (Solicitor for the Applicant), Adam Foster (Premises Manager), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 6.3 Marie-Claire Frankie outlined the procedure that would be followed during the hearing
- 6.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that a representation had been received from one public objector and was attached at Appendix "B" to the report. Ms. Gough said that the objector had been invited to attend the hearing but was not in attendance.
- 6.5 Members asked for clarity on whether the variation for recorded music to be played was for both inside and/or outside of the premises as this was unclear from the report. Patrick Robson stated that the application was for recorded to be played inside the premises, not outdoors and amended the application as such.
- 6.6 Mr. Robson stated that the premises had been licensed for a number of years for the sale of alcohol and the provision of regulated entertainment, but the company that had previously held the premises licence had been dissolved, which necessitated the need for a new premises licence which had been granted in June 2021. He said that Adam Foster had been Manager of the club for the past six years, during which time there had only been one complaint received regarding the outbreak of noise and that had been in 2015. Mr. Robson said that the premises was primarily a snooker room with bar facilities and a function room. He said that onus was on the objector to produce evidence to the contrary and he referred Members to the evidence previously circulated and the many supportive comments that had been received. Mr. Robson said that there was no evidence of parking issues or, as referred to in the complaint, smashed up cars or fights having taken place.
- 6.7 In response to questions from Members of, the Legal Adviser and the Licensing

Officer to, the Sub-Committee, Adam Foster stated that the only ventilation of fresh air into the premises was through the main doors, as the windows in the function room were boarded up with 18mm thick medium density fibreboard (MDF). Mr. Foster said that one of the windows had been broken, but this had been repaired from the inside, again with MDF. Following the outbreak of Covid 19 and the need for better ventilation inside premises, Mr. Foster stated that there had been a risk assessment carried out in the bar area, but as no large events had been held, there was no risk assessment of the function room, to which the Licensing Officer stated that the Licensing Service would expect a risk assessment of the entire premises to be in place in relation to windows/doors being left open to allow fresh air ventilation in relation to covid measures, and the mitigating factors the premises will put in place to avoid noise break out and possible nuisance as a result.

- 6.7 Patrick Robson summarised the case on behalf of the applicant.
- 6.8 Jayne Gough outlined the options available to the Sub-Committee.
- 6.9 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.
- 6.10 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 6.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.12 RESOLVED: That, in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, the Sub-Committee agrees to grant the variation to the premises licence in respect of the premises known as Club Baize, 14 West Street, Beighton, Sheffield S20 1EP (Ref No.54/21) in the terms requested which does **not** include playing of recorded music outdoors (as confirmed by the Council's Legal Adviser at the end of the hearing).

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