

Licensing Sub-Committee (Statutory)

Tuesday 7 February 2023 at 10.00 am

**To be held at the Town Hall, Pinstone
Street, Sheffield, S1 2HH**

Membership

Councillors Jayne Dunn (Chair), Denise Fox and Henry Nottage
Lewis Chinchen (Reserve)

PUBLIC ACCESS TO THE MEETING

The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

As a lot of the work of this Committee deals with individual cases, some meetings may not be open to members of the public.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday.

You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

If you require any further information please contact John Turner on 0114 474 1947 or email john.turner@sheffield.gov.uk

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**LICENSING SUB-COMMITTEE AGENDA
7 FEBRUARY 2023**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meetings**
To approve the minutes of meetings of the Sub-Committee held on 5th, 6th, 12th and 29th September, 3rd, 25th and 31st October, 7th, 14th and 22nd November and 6th and 13th December, 2022
- 6. Licensing Act 2003 - Olive Grove Sports Club, Heeley Bank Road, Sheffield, S2 3GE**
Report of the Chief Licensing Officer

*(NOTE: The report at item 6 in the above agenda is not available to the public and press because it contains exempt information described in paragraph 7 of Schedule 12A to the Local Government Act 1972 (as amended))

This page is intentionally left blank

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its Policy Committees, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from David Hollis, Interim Director of Legal and Governance by emailing david.hollis@sheffield.gov.uk.

This page is intentionally left blank

Licensing Sub-Committee (Regulatory)

Meeting held 5 September 2022

PRESENT: Councillors Jayne Dunn (Chair), Cliff Woodcraft and Ann Woolhouse

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Lewis Chinchon attended as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 128/22 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 131/22 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 132/22 did not attend the hearing and it was decided to hear the case in his absence.

4.5 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported and, where relevant, circulated either prior to the meeting, but after publication of the agenda, or at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
-----------------	---------------------	-----------------

128/22	Application to extend a Hackney Carriage Vehicle Licence	Extend the licence until 31 st March, 2023, on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
131/22	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant the licence for a shorter term than requested of one year (b)(i) the applicant be required to complete and pass the BTEC Level 2 Certificate 'The Introduction to the Role of Professional Private Hire and Taxi Driver' within the next six months and (ii) be given a written warning as to his future conduct, to remain live for the term of the licence.
132/22	(a) Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, on the grounds that, in view of the offences now reported, the Sub-Committee considers the licence holder not to be a fit and proper person to hold a licence.
	(b) Review of a Private Hire Operators' Licence	Revoke the licence, under Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that, in view of the offences now reported, the Sub-Committee considers the licence holder not to be a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Committee (Statutory)

Meeting held 6 September 2022

PRESENT: Councillors David Barker (Joint Chair), Roger Davison and Maroof Raouf

1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Lewis Chinchin, Dawn Dale, Jayne Dunn, Denise Fox, Abdul Khayum, George Lindars-Hammond, Henry Nottage and Ann Woolhouse..

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest made at the meeting.

4. MINUTES OF PREVIOUS MEETINGS

- 4.1 RESOLVED: That the minutes of the meetings of the Licensing Committee (Statutory) held on 31st January 2022 and the Licensing Sub-Committee (Statutory) held on 17th January, 25th April, 10th and 30th May and 11th and 19th July 2022, were approved as accurate records.

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 6 September 2022

PRESENT: Councillors David Barker (Chair), Roger Davison and Maroof Raouf

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 press and public.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest made at the meeting.

4. LICENSING ACT 2003 - HORSE AND JOCKEY, 248-250 WADSLEY LANE, SHEFFIELD, S6 4EF

4.1 The Chief Licensing Officer submitted a report to consider an objection to an application for a Temporary Event Notice (TEN), made under Section 104(2) of the Licensing Act 2002 in respect of an event to be held on 17th September 2022 at the Horse and Jockey, 248-250 Wadley Lane, Sheffield, S6 4EF (ref No. 129/22).

4.2 Present at the meeting were Hannah Beddow (Designated Premises Supervisor, Horse and Jockey), Marc Craddock (Director, True North Brew Co), Kane Yeardley (Owner, True North Brew Co), Neal Pates (Environmental Protection Service, Objector), Samantha Bond (Legal Adviser to the Sub-Committee), Jayne Gough (Licensing Strategy and Policy Officer) and Jay Bell (Democratic Services Officer).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing.

4.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that the TEN had been received on 5th August 2022, and was attached at Appendix 'A' to the report. A notice of objection to the TEN had been submitted by the Environmental Protection Service (EPS) on 5th August 2022, and was attached at Appendix 'B' to the report.

4.5 Neal Pates highlighted that premises were usually able to carry out these types of

events, without a requirement for a TEN. The reason that a TEN was required is due to a licence condition that was imposed when the premises licence was varied in July 2021. The condition meant that the premises are the subject of a Noise Management Plan and any events had to be *pre-approved by the EPS, this was following several complaints of noise disturbance from local residents. Mr Pates stated that the TEN requested an allowance of 250 people to attend the Oktoberfest event and for live and recorded music to be played between 6pm and 9pm.

- 4.6 Mr Pates referred to a document which was circulated to attendees at the beginning of the meeting. The document contained satellite images of the premises. Mr Pates explained that those images showed the proximity of the premises to neighbouring properties and how Oktoberfest event would result in a noise disturbance to those properties. It was mentioned that a previous event that the Horse and Jockey held led to several complaints from neighbouring residents, therefore he believed that Oktoberfest would lead to a similar number of complaints. He also believed that the noise levels resulting from the live Oompah band was not suitable for the area.
- 4.7 Mr Pates submitted that Ms Beddow had previously misled authorities when submitting a TEN for a previous event as she had stated on the form that the event would be acoustic music only, when it turned out that several amplified live bands had performed and caused substantial disturbance to neighbouring properties. Alternatively, Mr Pates acknowledged that events had previously taken place under a TEN, at the premises' modified outside area, although, it was stated that those events contained lower levels of noise and were more suitable for their facilities. Mr Pates explained that his objection was publicised prior to the meeting of the Sub-Committee and this had led to a Sheffield Councillor, along with residents of three neighbouring properties to the premises, expressing support for his objection.
- 4.8 In response to questions from Members of, and the legal adviser to, the Sub-Committee, Mr Pates confirmed what land belonged to the Horse and Jockey by referring to the images of the premises. He confirmed that other events had taken place at the Horse and Jockey, under a TEN. Neighbouring properties had complained about the noise levels at those events, and that the general use of the outdoor area generated high levels of noise disturbance. He added that other events had taken place, that either had no complaints, or a low number of complaints. Mr Pates explained that he believed that Ms Beddow previously misled authorities, after submitting an application form for an event in July 2022. He mentioned that the application stated that the request for regulated entertainment was for acoustic music only, yet it was understood that amplified music was used. Mr Pates explained the term acoustic meant not having electrical amplification, or in some cases, low level amplification. He confirmed that the event in July 2022 kept to the time that was mentioned on the application. Mr Pates believed that the Horse and Jockey had been adhering to the Noise Management Plan, and had addressed some concerns raised by neighbouring residents. Mr Pates confirmed that the Horse and Jockey had not carried out any events without informing the relevant authority. Mr Pates mentioned that his previous comment, describing Oktoberfest as 'bawdy', was not the best use of

terminology, and that 'rowdy' would better describe his understanding of the event.

- 4.9 In response to questions from Marc Craddock, Mr Pates confirmed that he sent Mr Craddock an email, informing him that five neighbouring residents had complained in respect to the event in July 2022. Mr Pates explained that due to Ms Beddow misleading the Authority, confidence in future submissions had been reduced. Ms Beddow explained that it was not her intention to mislead anyone. She stated that she did mention that live bands would be performing at the event in July 2022, although it was recorded in the wrong section of the form.
- 4.10 Marc Craddock explained that True North Brew Co had invested approximately £500,000 into the Horse and Jockey. He stated that it was a small pub with approximately 60 covers in the downstairs area and approximately 40 covers in the upstairs area. Mr Craddock explained that the Horse and Jockey ran these events to attract more customers, as this pub was situated in an area that had low levels of foot flow and traffic. Mr Craddock confirmed that the Horse and Jockey had submitted 6 TENs since November 2021, and that he was unaware of any complaints for those events, apart from the event in July 2022. He added that they had learnt from their mistakes. Oktoberfest would have live Oompah music for 45 minutes, from 7.00 pm to 7.45 pm. The remainder of the event, between 6.00 pm and 9.00 pm would have recorded Oompah music played. Tickets for the event can be purchased from Eventbrite. Mr Craddock stated that although the TEN mentioned that the capacity was for 250 people, they were only ticketing for 100 people. Kane Yearley explained that the pub was family orientated, and that many families have attended previous events and enjoyed the atmosphere. Mr Craddock explained that Oktoberfest would have less people attending the event, compared to the one in July, and that Oktoberfest would finish at 9 pm, whereas the previous event finished at 10 pm. Mr Craddock stated that True North Brew Co was responsible for fourteen separate pubs in South Yorkshire. Mr Craddock mentioned that he had asked a Licensing Enforcement Officer at South Yorkshire Police for her feedback on previous events that the Horse and Jockey had held, and she had highlighted four occasions in which the South Yorkshire Police were notified of issues that occurred at one of those events.
- 4.11 In response to questions from Members of, and the legal adviser to, the Sub-Committee, Mr Craddock confirmed that the live band would be situated on the outdoor tarmacked area of the premises, as shown on the images. Ms Beddow explained that she had a good relationship with local residents, and that she often spoke to people, in confidence, about issues around these events. She added that, if the TEN was approved, she would distribute letters to local properties, informing them of details of the event, which also included her contact details. Ms Beddow explained that the music at Oktoberfest would conclude at 9.00 pm, although attendees were allowed to remain on the premises, until 11.00 pm. Ms Beddow confirmed that she had verbally apologised for incorrectly filling in the application form for the event in July. Mr Craddock confirmed there were no outdoor speakers, therefore there was no limiter on the volume being played. Mr Craddock stated that the Horse and Jockey would monitor the ticket sales for Oktoberfest, which would determine whether they needed either one or two door staff present at the event.

- 4.12 In response to questions from Neal Pates, Ms Beddow confirmed that the TEN stated the maximum capacity for the event was for 250 people. This was stated as, at the time, she was unaware of the number of tickets that would be sold, whilst considering non-ticket holders attending the premises. Mr Craddock confirmed that recorded Oompah music would be played, before and after the live Oompah band performed.
- 4.13 In response to a suggestion from Kane Yeardley, Mr Pates stated that he was not willing to agree a maximum decibel reading, for the outdoor recorded music, as his objection was in relation to the event generally and the likelihood of disturbance it would cause. Mr Pates explained that he would be happy to discuss a noise limiter for other events but did not feel it would address the concerns raised in relation to this particular event.
- 4.14 Marc Craddock provided a brief summary of the premises' case. He added that True North Brew Co had experience of hosting Oktoberfests before and believed that they were managed very well.
- 4.15 Jayne Gough presented the options available to the Sub-Committee.
- 4.16 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.
- 4.17 Samantha Bond reported orally, giving legal advice on various aspects of the case.
- 4.18 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.19 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 acknowledges the Temporary Event Notice, allowing the event to go ahead on the proposed date as per the notice submitted.

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

5. LICENSING ACT 2003 - NURSERY TAVERN, 276 ECCLESALL ROAD, SHEFFIELD, S11 8PE

- 5.1 It was noted that the application to vary a premises licence, made under Section 34 of the Licensing Act 2003, in respect of the premises known as Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE (Ref No. 130/22) had been withdrawn by the applicants prior to the hearing, but after the agenda for the meeting had been published.

6. LICENSING ACT 2003 - DODONA (FKA OTTO'S), 344 SHARROW VALE ROAD, SHEFFIELD, S11 8ZP

- 6.1 RESOLVED: That consideration of an application to vary a premises licence, made under Section 34 of the Licensing Act 2003, in respect of the premises known as Dodona (formerly known as Otto's), 344 Sharrow Vale Road, Sheffield, S11 8ZP (Ref No. 111/22), be deferred to the meeting to be held on 26th September, 2022 to allow time for new floor plans to be drawn up and agreed with Health Protection Service to mitigate their representation.

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 12 September 2022

PRESENT: Councillors David Barker (Chair), Denise Fox and Vickie Priestley

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Cliff Woodcraft.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest made at the meeting.

4. LICENSING ACT 2003 - DTOUR, 192 SHOREHAM STREET, SHEFFIELD, S1 4SQ

4.1 The Chief Licensing Officer submitted a report to consider an application by South Yorkshire Police, under Section 53A of the Licensing Act 2003, for the summary review of the premises known as DTour, 192 Shoreham Street, Sheffield, S1 4SQ (Ref No. 114/22).

4.2 Present at the meeting were Lavinia Johnson (Designated Premises Supervisor) and Loraine Johnson (Manager), representing the premises, Catherine Jarvis and Emily Pryor (South Yorkshire Police), Maureen Hannify and Julie Hague (Sheffield Children's Safeguarding Partnership), Daniel Parlett (Licensing Enforcement Officer) and Jayne Gough (Licensing Strategy and Policy Officer) (Licensing Service), Samantha Bond (Legal Adviser) and Jay Bell (Democratic Services Officer).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing.

4.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that representations had been received from the Sheffield

Children's Safeguarding Partnership, the Licensing Service and the Home Office (comments only), and were attached at Appendix "D" to the report.

- 4.5 Emily Pryor presented the application submitted by South Yorkshire Police.
- 4.6 Emily Pryor responded to questions raised by Members of, and the legal adviser to, the Sub-Committee.
- 4.7 Julie Hague reported on the representations made by the Sheffield Safeguarding Children's Partnership, in support of the application.
- 4.8 Daniel Parlett reported on the representations made by the Licensing Service, in support of the application.
- 4.9 Catherine Jarvis and Julie Hague responded to questions raised by Lavinia Johnson.
- 4.10 Lavinia and Loraine Johnson presented the case on behalf of the premises
- 4.11 Lavinia and Loraine Johnson responded to questions raised by Members of, and the legal adviser to, the Sub-Committee, Emily Prior, Julie Hague, Maureen Hannify and Daniel Parlett.
- 4.12 All parties present summarised their cases.
- 4.13 Jayne Gough presented the options available to the Sub-Committee.
- 4.14 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.
- 4.15 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.16 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.17 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 Licensing Sub-Committee determined (a) to revoke the premises licence in respect of the premises known as DTour, 192 Shoreham Street, Sheffield, S1 4SQ (Ref No. 114/22), on the grounds that the premises were, and had consistently been, undermining the four core licensing objectives, in particular the

prevention of crime and disorder; and

(b) in accordance with Section 53D of the Licensing Act 2003, that the interim steps imposed at the hearing on 15th July 2022 - the suspension of the premises licence - remain in place pending the final review decision coming into force.

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

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 26 September 2022

PRESENT: Councillors Jayne Dunn (Joint Chair) and David Barker (Joint Chair)

.....

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. LICENSING ACT 2003 - OODLES, 217-219 LONDON ROAD, SHEFFIELD, S2 4JL

4.1 The Chief Licensing Officer submitted a report on an application made under Section 17 of the Licensing Act 2003 for the grant of a premises licence in respect of the premises known as Oodles, 217-219 London Road, Sheffield, S2 4LJ (Ref. No. 134/22).

4.2 Present at the meeting were Michelle Hazlewood (John Gaunts and Partners, Solicitors, for the applicants), Zahid Hussain (Premises Manager), Abdullah Khalid (Landlord of the premises), Marion Gerson (Objector), Jayne Gough (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 Jayne Gough presented the report to the Sub-Committee, and it was noted that a representation had been received from a local resident, and was attached at Appendix "C" to the report.

4.5 Marion Gerson stated that, whilst she did not live near the premises, she was attending on behalf of a number of residents who did live nearby, and who had raised their concerns when attending the local foodbank, at which she helped out. She stated that those residents living in the immediate vicinity of the premises were already adversely affected by the noise and pollution caused by the constant traffic on London Road, and that with the premises planning to

open until 03:00 hours, this would make things considerably worse. Ms Gerson raised concerns with regard to the potential for increased noise pollution caused by customers and delivery drivers pulling up and driving away from the premises, opening and shutting their doors, peeping their horns and leaving their engines running whilst parked outside. She mentioned that she used to live on Ecclesall Road, where residents were affected by noise nuisance from the numerous licenced premises, and suggested that the premises should close earlier to ensure those residents living close by got a reasonable night's sleep. Ms Gerson concluded by stating that the premises looked attractive, and helped improve the area, but still considered that it was not necessary for the business to open until 03:00 hours.

- 4.6 In response to questions from Members of the Sub-Committee and Michelle Hazlewood, Ms Gerson stated that she was aware of problems of noise nuisance caused by another licenced premises in the area, but was not able to provide any specific details. She was aware of around four people who had approached her with their concerns. Ms Gerson was not aware of anyone suffering from noise nuisance when the previous business on this site was in operation as they had previously closed at 23:00 hours.
- 4.7 Michelle Hazlewood presented the case on behalf of the applicants, indicating that the premises was operated by Leeds Food Limited, and would be trading as Oodles Chinese. The application had been made so as to permit late night refreshment, with the opening hours being 11:00 to 03:00 hours, Monday to Sunday. The food on offer would comprise IndoChinese, which could be purchased to take away or be eaten on the premises. There would also be a delivery option and, as a result of the franchise rollout, a very strict code of conduct had been issued to the franchises with regard to the recipes, presentation, hygiene and delivery. Mr Hussain had extensive experience in working in fast food venues, recently having managed a Domino's Pizza takeaway in Headingley, Leeds. Ms Hazlewood referred to the additional information circulated prior to the hearing, which contained photographs of the interior and exterior of the premises and of London Road, together with a map highlighting the commercial premises and car parking in the vicinity, a location plan and menu and food illustrations. There were a limited number of persons living above the properties in the immediate vicinity and there was no residential accommodation immediately adjacent and opposite the premises. It was accepted that there was some residential accommodation to the rear, but it was considered that such residents would not be affected by any noise from traffic. The location on London Road had been chosen due to the concentration of students living nearby, specifically Chinese students, and due to its accessibility. The premises had undergone considerable refurbishment since operating as a Thai restaurant, which had included the installation of sound-proof panels in the roof, which would help reduce any noise emanating to the flats above. The tenants of the flat above had not raised any concerns or made any representations as regards the application. The layout of the premises had been specifically arranged to allow for the delivery drivers to arrive and leave as quickly as possible, and to reduce any potential idling of their vehicles on the road outside. Mr Hussain had considerable experience in dealing with delivery drivers and, as part of his responsibilities, he would have

the powers to veto or ban drivers from picking up from the premises if there were any concerns regarding their conduct. In terms of staffing, Mr Hussain had recruited both people he knew, or people living in the local community. Ms Hazlewood pointed out that there had been no representations received from Environmental Health or the police.

- 4.8 In response to questions from Members of, and the legal adviser to, the Sub-Committee, Jayne Gough and Marion Gerson, it was stated that there were currently 12 members of staff and, if successful with the application, a further six to eight would be employed to work between 18:00 and 03:00 hours. The staff would all be employed on zero hour contracts. The application for the later opening hours was to target the student cohort, particularly the Chinese students, of which there were many living in the surrounding area. The landlord of the premises, who owned other premises in the area, was very familiar with the local community, therefore would work with Mr Hussain to ensure that the operation of the premises would not adversely impact on people's lives. Having looked at the demographics and sales in respect of premises in other cities, it was believed that opening until 03:00 hours would work but, if it was found not to be financially beneficial, consideration would be given to reducing the opening times. It wasn't expected that there would be any problems of noise nuisance with staff leaving at closing time as most them lived nearby, and others would be offered lifts from colleagues. In terms of the company's working policies, all franchises would have similar menus, standard preparation and hygiene standards and delivery practices. There were around 25 seats in the premises. The landlord of the premises owned five businesses in the surrounding area, including two directly opposite the premises, both of which were commercial properties. The Domino's store in Leeds which Mr Hussain used to manage opened 23 hours a day, closing for just an hour for cleaning.
- 4.9 Ms Hazlewood requested a change to a condition in the Operating Schedule, to the extent that unaccompanied children be not allowed on the premises between the hours of 23:00 and 03:00 hours.
- 4.10 Marion Gerson summarised her case, indicating that it would be more appropriate if the premises closed at 01:00 hours.
- 4.11 Michelle Hazlewood summarised the case on behalf of the applicants.
- 4.12 Jayne Gough outlined the options available to the Sub-Committee.
- 4.13 **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.
- 4.14 Samantha Bond reported orally, giving legal advice on various aspects of the application.

4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.16 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 application for a premises licence in respect of the premises known as Oodles, 217-219 London Road, Sheffield, S2 4LJ (Ref No. 134/22) be granted in the terms requested, subject to the following condition:-

There shall be no unaccompanied children on the premises during 23:00 and 03:00 hours.

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

5. LICENSING ACT 2003 – DODONA (FORMERLY OTTO'S), 344 SHARROW VALE ROAD, SHEFFIELD, S11 8ZP

5.1 The Chief Licensing Officer reported that the representation made by the Health Protection Service had been withdrawn prior to the hearing, therefore the application for the variation of a premises licence made under Section 34 of the Licensing Act 2003, in respect of the premises known as Dodona (formerly known as Otto's), 344 Sharrow Vale Road, Sheffield , S11 8ZP (Ref No. 111/22) had been allowed, subject to the agreed conditions, as follows:-

- (a) A Building Regulation Completion Certificate shall be submitted to the responsible authority for public safety prior to opening for business.
- (b) A satisfactory Electrical Installation Certificate shall be submitted to the responsible authority for public safety prior to opening for business. (If an electrical condition report is provided it should cover 100% of the premises).
- (c) There shall be no transportation of hot food and drinks using the public staircase between the ground floor and the first floor (whilst open to members of the public).
- (d) A permanent fixed residual current device (RCD) must protect the electrical power serving all amplified music equipment used for the purposes of live music or similar entertainment.
- (e) A structural engineers report shall be submitted confirming that the single-story roof is suitable to be used as an outdoor seating area or terrace for a dynamic load commensurate for the purpose and numbers of people using it.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 3 October 2022

PRESENT: Councillors Jayne Dunn (Chair), Roger Davison and Vickie Priestley

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Denise Fox attended 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 - SAMUEL WORTH CHAPEL, SHEFFIELD GENERAL CEMETERY, CEMETERY AVENUE, SHEFFIELD, S11 8NT

- 4.1 The Chief Licensing Officer submitted a report to consider an application, under section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of the premises known as the Samuel Worth Chapel, Sheffield General Cemetery, Cemetery Avenue, Sheffield S11 8NT (Ref No.140/22).
- 4.2 Present at the meeting were Chris Grunert (Solicitor for the Applicants), Richard Foster, Andrew Smith, Emma Revitt, John Boyle and Catie Evans (Trustees of the Sheffield General Cemetery Trust), Elaine Cresswell (Environmental Health Technician), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 4.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 4.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that representations had been received from two local residents and the Health Protection Service and were attached at Appendix "C" to the report. Ms. Gough added that the applicant had agreed with South Yorkshire Police and the Environmental Protection Service additional conditions which had been added to the licence. Ms. Gough stated that the two local residents had been invited to attend the hearing but were not in attendance.

- 4.5 At this point in the proceedings, the meeting was adjourned for a short period of time to allow the applicant to consider additional information that had been presented by Elaine Cresswell prior to the commencement of the meeting.
- 4.6 When the meeting reconvened, Elaine Cresswell stated that her job was to look at issues of public safety and when deciding on this, the outline and capacity of a building and style of operation were taken into account and where issues arose, discussions were held with applicants to find a solution. She said that the Chapel was situated on a hillside within the wooded Sheffield General Cemetery and approximately 300 metres away from the Gatehouse. Currently there were two self-contained unisex toilets situated within the premises and that the minimum sanitary provision for visitors to a building with a capacity of 60 persons were two female toilets and one male toilet. She added that where unisex toilets were provided with a wash hand basin inside the cubicle, the number of toilets should be increased by 25% where two or more toilets were required. Ms. Cresswell stated that the application was for a maximum occupancy of the licensable area, which included areas of lawn and hard standing outside, of 100, therefore at least one additional toilet should be included. She said that the provision of toilets should form part of the management plan. Ms. Cresswell said that there was a staff toilet at the Gatehouse, but this would incur a round trip of almost 650 metres. She said that one aspect to be taken account of for licensed premises, was that consideration should be given to the effects of alcohol which could lead to a more frequent need to use the toilet. Inadequate sanitary provision could lead to unwanted urination in public places and excess queuing/waiting times which could cause distress to those with health conditions or disabilities which require ready access to sanitary facilities.
- 4.7 In response to questions from Members of the Sub-Committee, Elaine Cresswell said that there should be three permanent toilet facilities, two being situated inside the premises and she would be prepared to consider the possibility of a third temporary toilet, should capacity inside the building increase to 100. She said that she would be happy for the Management Committee to assess the toilet provision for every event.
- 4.8 Chris Grunert on behalf of the applicants, outlined the application, stating the Samuel Worth Chapel had been restored in 2016 and was a Grade II listed building within the Sheffield General Cemetery, which was a public park. Chris Grunert said that the Chapel was run by the Trust, as an events venue for fundraising events, charity and community activities and was hired out for private events and functions. He said that proceeds from the hire of the Chapel were used for the upkeep and preservation of the Chapel and the cemetery site, such works were carried out by some 70 volunteers. Chris Grunert referred to the application, stating that the premises were community premises, similar to that of a club, and a management committee would be appointed, thus negating the need for a Designated Premises Supervisor and/or Personal Licence Holder and door supervisors would be employed at large events where alcohol was available. He said that at least one member of the Trust would be on site throughout and until the event had finished. He said that the premises licence as applied for would give greater flexibility to the number of different licensable activities, covering a

wide range of events and activities. He said that since 2016, the premises had been operating under Temporary Event Notices (TENs), which caused uncertainty as to whether the event could go ahead and was a time-consuming process for the Trustees. He said that it had been agreed that outside activities would cease at 2200 hours. Chris Grunert referred to the conditions on the licence which had been agreed with South Yorkshire Police and circulated at the meeting. He said that over the past six years, local residents had never been disturbed by any noise breakout, nor were there any concerns from the police in relation to crime and disorder, no complaints had been received. Chris Grunert said that as the building was listed, to be able to satisfactorily provide a third toilet would be at considerable expense to the Trust. He then referred to the public objections that had been received and that amended operating hours had been agreed and that the wildlife within the area had never been affected by events held at the Chapel.

- 4.9 In response to questions from Members of the Sub-Committee, Chris Grunert stated that the disabled toilet provision at the premises was of modern standard, the other was standard and said that the provision of a third toilet was too expensive and would mean that some events could not take place should there be an increased capacity up to 100 people. He said that “portaloos” could not be used as the gateway was restricted, although the Council had situated one inside the cemetery grounds, but this had been vandalised within 24 hours. He said that Trustees were onsite at all times during events should any problems arise. To give clarity regarding the management committee, Chris Grunert said that two members of staff worked two days per week and would decide whether events applied for were appropriate and if staff members were unsure, they would approach the Trustees for determination. He said that most events were pre-booked, ticketed and/or had a guest list. The only time a “walk-in” event would take place would be for an exhibition of art. The events programme was aimed at encouraging diversity, engagement and broadening awareness, largely through advertising via all manner of social media. It was stated that the Trust were hands-on in connecting with the Sharrow and Nether Edge communities and local schools.
- 4.10 Chris Grunert summarised the application on behalf of the Applicants.
- 4.11 Jayne Gough outlined the options available to the Sub-Committee.
- 4.12 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.
- 4.13 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.15 RESOLVED: That, in the light of the information contained in the report now submitted, together with the representations now made, additional information circulated at the meeting, and the responses to the questions raised, the Sub-Committee agrees to grant the premises licence as applied for and amended during the consultation period, in respect of the premises known as Samuel Worth Chapel, Sheffield General Cemetery, Cemetery Avenue, Sheffield S11 8NT (Ref No. 140/22) with the addition of the following conditions:-

1. a permanent fixed residual current device (RCD) must protect the electrical power serving all amplified music equipment used for the purposes of live music or similar entertainment and any outdoor electrical equipment must be suitable for that purpose;
2. the combined capacity for the licensed area (internally and externally) shall not exceed 100 persons;
3. the capacity within the Samuel Worth Chapel shall not exceed 60 persons;
4. notwithstanding condition 3 above, a 'higher capacity' event (never greater than 100 persons) may take place whenever a bespoke fire risk assessment is approved with South Yorkshire Fire and Rescue Service prior to the event. A draft Fire Risk Assessment in respect of the proposed 'higher capacity event' shall be served by the Operator upon South Yorkshire Fire and Rescue Service not less than 10 working days prior to the proposed event for their approval;
5. a management plan, to include assessment of toilet provision, is to be carried out for all licensable activities; and
6. temporary toilets, as assessed when licensable activities are taking place, are to be provided within or adjacent to the licensed area.

The Sub-Committee also approved the application to remove the mandatory conditions under set out in sections 19(2) and 19(3) of the Licensing Act 2003, as detailed above. The conditions agreed during the consultation period with the police and the Environmental Protection Service will also be included on the premises licence.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 25 October 2022

PRESENT: Councillors David Barker (Chair), Lewis Chinchen and Henry Nottage

.....

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 In relation to Item 5 on the agenda (Licensing Act 2003 – Tesco Express, Basement, Ground and First Floor, 42-46 Fargate, Sheffield, S1 2HE), (Item 4 of these minutes), Councillor Henry Nottage stated that whilst representations to the application had been raised by fellow Members of the Green Group, he had not been involved in any way.

4. LICENSING ACT 2003 - TESCO EXPRESS, BASEMENT, GROUND AND FIRST FLOOR, 42-46 FARGATE, SHEFFIELD, S1 2HE

4.1 The Chief Licensing Officer submitted a report on an application made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of the premises known as Tesco Express, Fargate, Basement, Ground and First Floor, 42-46 Fargate, Sheffield, S1 2HE (Ref No. 149/22).

4.2 Present at the meeting were Jeremy Bark (Bryan Cave Leighton Paisner, LLP, for the applicant), Hardish Purewal (Licensing Manager, Tesco), Adam Wallhead (Store Manager, Tesco Express), Emma Rhodes-Evans (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 Emma Rhodes-Evans presented the report to the Sub-Committee, and it was noted that representations had been received from three City Ward Councillors, and were set out at Appendix “C” to the report. It was also reported that during the consultation, a condition requested by South Yorkshire Police regarding CCTV had been agreed by the applicant. The three City Ward Councillors had been invited to the meeting, but did not attend.

- 4.5 Jeremy Bark, for the applicant, stated that planning permission had already been granted, with no restriction being placed on the opening hours, which were 06:00 to 00:00 hours, Monday to Sunday. The store, as with all other Tesco Express stores across the country, was less than 3000 square feet in size, and its target clientele were mainly people who either lived or worked in the city centre. Alcohol sales represented a very small proportion of total sales, with around 80 different products available, mainly comprising wines. Expected alcohol sales would be between 5 to 11% of total sales, with around 95% of alcohol sales being linked to the sale of other goods. There would be no promotions with regard to alcohol sales, other than through meal deal offers, and it was expected that alcohol sales between 06:00 and 08:00 hours would be very low. Mr Bark reported that, within the surrounding area, there were Tesco Express stores on West Street and Eyre Lane, which had licences to sell alcohol from either 06:00 hours or 07:00 to 00:00 hours, Monday to Sunday, and there had been no reported problems linked to the sale of alcohol at these stores. Tesco had a Good Neighbour Principle, meaning that it operated on a small footprint, and had a positive attitude on the surrounding area. He made reference to the fact that there had been no representations from the responsible authorities. The store would operate using a Think 25 policy regarding the sale of age-restricted goods, which was advertised in the store, and meant that whenever such goods were scanned or sold at a till, there would be an alert which would require intervention from a member of the sales staff. In addition to this, Tesco regularly used mystery shoppers in its stores and adopted a safe and legal policy, which comprised looking at all facets in its stores to ensure everything was safe and legal. The Company would also ensure that the terms of all premises licences were fully adhered to, and would ensure that there were at least three personal licence holders in its stores at all times. All new members of staff would receive induction training, and management would receive additional training.
- 4.6 Mr Bark stated that Tesco adopted a number of policies which included, amongst others, the Responsible Retailer of Alcohol, which related to all aspects of the sale of alcohol, including the refusal to sell alcohol if it was deemed inappropriate for any reason. As part of this policy, management would always back any decisions made by sales staff in this regard. All Tesco Express stores had extensive CCTV systems, covering all areas of its stores. Mr Bark referred to the layout plans in the report, highlighting the position of the main entrance, checkout tills and alcohol display points. There would be no deliveries to the store between 22:00 and 06:00 hours and around 99% of waste produced in the store would be recycled. In terms of staffing, it was stated that Mr Wallhead, who had worked for Tesco for 15 years, and had been a store manager for the last three years, would be manager of this store, and would be supported by three Team Leaders and between 16-20 sales staff. Tesco had a zero tolerance towards anti-social behaviour in its stores, and had regular contact with the local police in this regard. The Company was well aware of the problems caused by street drinkers in the city centre area, and liaised closely with the police on this issue.
- 4.7 Mr Bark responded to the representations made, which related mainly to concerns regarding the sale of alcohol between 06:00 and 08:00 hours, stating

that such issues related mainly to public health, which was not one of the licensing objectives, therefore should not be considered by the Sub-Committee as part of this application. He highlighted again the fact that neither the police, Environmental Health or Trading Standards had raised any objections to the application. Tesco was well aware of both the fact that there were alcohol treatment services in the surrounding area and the issues surrounding vulnerable people within the city centre area.

- 4.8 In response to questions raised by Members of the Sub-Committee, Mr Bark stated that if the Sub-Committee was minded to restrict the hours of the sale of alcohol, it was not envisaged that there would be a need to cordon off areas where alcohol was on display as any sale of alcohol was restricted at either the self-service checkouts or the manned tills. Whilst the majority of Tesco Express stores' opening and licensing hours were aligned, there were examples, across the country, and generally following the advice of the police, where such times differed. Whilst Tesco was aware of the agreement of independent shops not to sell alcohol until 08:00 hours, Mr Bark stated that the Company already had stores selling alcohol from 06:00 hours in the city centre, without any problems, mainly as a result of the numerous systems and policies in place. In addition, there was no such requirement in the Licensing Act, nor had there been any objections from the police. As a further security measure, all shop floor staff were required to wear body cameras and headsets, and the company had a system called Safeguard, which allowed staff to communicate with colleagues in the CCTV room and liaise with representatives of the statutory authorities. In terms of physical security measures, every effort was made to ensure that there was a member of the management team on duty at all times, and the store manager would discuss security arrangements with the Area Manager on a weekly basis. Security risk assessments were carried out in respect of all Tesco Express stores, and reviewed, at a minimum, every eight weeks. Other than where additional security had been identified as a requirement, very few Tesco Express stores across the country would have additional security staff present.
- 4.9 Mr Bark stated that whilst Tesco would be aware of the problems of street drinking around the lower end of Fargate and Exchange Street, he believed that with the policies and systems in place, there would be no serious problems with the application. In terms of alcohol sales, customers would not be able to buy single cans or small bottles of spirits. Hardish Purewal stated that the Company worked very closely with the local police, and would identify any individuals causing particular problems, and refuse them entry to their stores. Ms Purewal added that she was a Board Director of the Community Alcohol Partnership, which comprised representation from all the large retailers, and which looked at all issues regarding responsible drinking. The Partnership would offer training and support for smaller, independent traders if particular problems were identified. In terms of community engagement, Tesco had community notice boards, which contained information on local initiatives, and the Company would contact local facilities within the surrounding area, such as schools and alcohol/drug treatment centres, asking them to inform them of any problems associated with the operation of their stores. Each store had a community budget, from which charitable donations were made, either to facilities in the area or to vulnerable individuals. The Company always welcomed dialogue with

the local facilities and businesses, as well as customers. Also, as part of the Company's Good Neighbour Policy, deliveries to the store would be kept to a minimum in order to reduce its carbon footprint, and any equipment would be fixed with noise attenuation measures to minimise any noise nuisance on neighbours.

- 4.10 Jeremy Bark summarised the case on behalf of the applicant.
- 4.11 Emma Rhodes-Evans reported on the options available to the Sub-Committee.
- 4.12 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.
- 4.13 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That, further to the information contained in the report now submitted, the representations now made and the responses to the questions raised, the application for a premises licence in respect of the premises known as Tesco Express, Basement, Ground and First Floor, 42-46 Fargate, Sheffield, S1 2HE Ref. No. 149/22) be granted in the terms requested and subject to the further condition agreed with South Yorkshire Police.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 31 October 2022

PRESENT: Councillors Jayne Dunn (Chair), Vickie Priestley, Maroof Raouf and Sophie Thornton (Observer).

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.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - MELTDOWN E-SPORTS BAR, 39-41 LOWER FLOOR, SNIG HILL, SHEFFIELD S3 8NA

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 34 of the Licensing Act 2003, for the variation of a premises licence in respect of the premises known as Meltdown E-Sports Bar, 39-41 Lower Floor, Snig Hill, Sheffield, S3 8NA (Ref. No. 155/22).

4.2 Present at the meeting were Matthew Collinson (Applicant), Anthony Wood (Objector), Jayne Gough (Licensing Strategy and Policy Officer & Health and Wellbeing Lead), Samantha Bond (Legal Adviser to the Sub-Committee) and Philippa Burdett (Democratic Services).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing.

4.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that, during the consultation period, the Environmental Protection Service and South Yorkshire Police had agreed conditions with the applicant which were attached at Appendix 'C' to the report. It was also noted that representations had been received from three interested parties, and were attached at Appendix 'D' to the report.

4.5 Anthony Wood stated that the proposed location of the outdoor smoking area was a 'stage' location of an unintentional amphitheatre and as such had a strong acoustic impact on a large number of residential properties, some of which were

immediately above the proposed outdoor seating area. He stated that the last publicly available reference to acoustic testing was carried out before many of the properties had been converted to residential use. He believed the acoustic issues to be worsened due to the lack of vegetation and soft surfaces, which prevented absorption of the noise. He stated that a few years ago, he had spoken to someone who had been taking noise measurements on-site who had given him the impression that the rear outdoor area would only be used as emergency access/storage due to its acoustic properties and potential impact on nearby residents.

- 4.6 Mr Wood considered the front of the building to be a more suitable outdoor drinking area, where there was a ready-made space as part of the 'Grey to Green' design and which had fewer residential properties in close proximity. He believed this would be acoustically preferable and would allow for direct supervision by security staff without compromising the security of the venue. He also considered that would create a vibrant feel and an on-street 'European style' presence similar to that of nearby businesses. He stated that there were families living in several of the flats directly overlooking the proposed beer garden and was concerned about the risk of noise and/or smoke to residents occupying those flats. Mr Wood considered that the proposed changes had the potential to have a negative impact on local people and instead he wished to support the use of the front of the building as a drinking area, which he felt would give greater potential for improving the business and the local area.
- 4.7 In response to questions from Members of the Sub-Committee, Mr Wood stated that he was fortunate enough to have been able to move to bedrooms at the front of his property and away from the outdoor seating area. He stated that he hadn't made any complaints during the pandemic due to Council services having been impacted and unable to respond to all representations, and also because he recognised the extenuating financial circumstances that were being experienced by businesses during the pandemic. Mr Wood stated that the use of the outdoor area during the pandemic had caused noise problems at times, but he had chosen to accept this and had not made formal representations.
- 4.8 Matthew Collinson stated that he was aware of one noise complaint that had been registered with the Environmental Protection Service during the 2020 Covid restrictions. This was following a busy evening where the outdoor area use had overrun past 23.00 hours (as referenced on page 48 of the report). He stated that when he first took over the licence, the capacity of the premises was 300 and that, after discussions with the Council, some alterations had been made, and the capacity had been reduced to 150. He stated that, more recently, walls had been removed within the public area that had created more space, and as such he had asked to increase the capacity to 250. Mr Collinson stated that the proposed outdoor seating area was in use prior to him taking over the licence but that he had chosen not to withdraw it. He stated that once the neighbouring business had closed down, and were no longer using their outdoor area, he had decided to seek advice from the Licensing Service about re-opening the area. He subsequently applied to vary the premises licence and consulted with the Council's Environmental Protection Service regarding capacity and time limits.

- 4.9 Mr Collinson stated that, as a gaming venue, maximum capacity was rarely met, and that one doorman employed on Friday and Saturday was adequate. He added that risk assessments would be carried out for bigger events and extra security would be employed as necessary. He stated that the front pavement area had been used during 2020 and 2021, but had limited use and created an issue of storage of tables and chairs inside the venue.
- 4.10 In response to questions from Members of the Sub-Committee, Mr Collinson stated that staff would monitor the area to ensure that it was used for smoking only outside the agreed hours. He stated that it was not planned to use the outdoor area during the winter as it would make the venue cold, and those wishing to smoke could use the front outside area. He stated that Tuesday nights were currently the busiest, ranging from around 80 to 130 customers, and he confirmed that he was not aware of any concerns from neighbours to the front of the premises during these busy times, or during their live events. Mr Collinson stated that one live event took place monthly, and a different live event took place once every two months. He stated that he had taken the decision to close the outdoor area before 22.00 hours for live events, and that the live events were niche, and had included pop junk, synth wave and chiptune, which involved using game consoles to make dance music.
- 4.11 Mr Collinson confirmed that the rear seating area was accessed via fire doors which were only lockable from the outside and would be kept closed other than for access. He stated that during busier events, signs would be erected, and staff would actively monitor to ensure compliance.
- 4.12 In summing up, Mr Wood stated that he was concerned about how the capacity of the outdoor seating area would be adequately managed and enforced given the limited number of staff on site. He considered that he could support the use of the front of the premises due to it being an open area with soft vegetation and fewer overlooking residential properties.
- 4.13 In summing up, Matthew Collinson stated that the current seating capacity had been agreed in discussion with the Environmental Protection Service. He considered that the voluntary conditions that had been agreed, along with the clarifications he had made to the Committee, showed that he had taken on board the concerns of nearby residents and that he wished to be a considerate neighbour.
- 4.14 Jayne Gough outlined the options available to the Sub-Committee.
- 4.15 **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.
- 4.16 Samantha Bond reported orally, giving legal advice on various aspects of the application.

4.17 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.18 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 the terms requested, and subject to the conditions agreed with the Environmental Protection Service and South Yorkshire Police prior to the hearing, in respect of the premises known as Meltdown E-Sports Bar, 39-41 Lower Floor, Snig Hill, Sheffield S3 8NA (Ref. No. 155/22).

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 7 November 2022

PRESENT: Councillors Jayne Dunn (Chair), Lewis Chinchon and Ann Woolhouse

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Vickie Priestley attended 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 - GG MILA SUPERMARKET, 715-717 ABBEYDALE ROAD, SHEFFIELD, S7 2BE

- 4.1 The Chief Licensing Officer submitted a report on an application made under Section 17 of the Licensing Act 2003 for the grant of a premises licence in respect of the premises known as GG Mila Supermarket, 715-717 Abbeydale Road, Sheffield, S7 2BE (Ref No.164/22).
- 4.2 Present at the meeting were Gamza Emin (Applicant), Julia Downes (Objector), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee), Jack Riseley Boyt (Observer, Legal Services) and Jennie Skiba (Democratic Services).
- 4.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 4.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that representations from five local residents and a petition containing approximately 175 signatures requesting refusal of the application, had been received and were attached at Appendix "B" to the report.
- 4.5 Julia Downes stated that there had been a number of local residents who had

signed the petition, and there was a lot of community feeling against the granting of this application. She felt that the late-night opening of the proposed shop would be out of place in the local area, stating that there were a couple of similar businesses in the locality which closed at 9.00 p.m. Julia Downes said that there were already issues with parking in the area and that the problem of parking would be exacerbated by people parking outside the shop, and she felt that there would be a potential for accidents to happen and increased social disorder. She stated that to licence this premises would be totally unnecessary given that there were other supermarkets/outlets selling alcohol further along Abbeydale Road. She said that the premises were close to her property and would interfere with the privacy and quiet enjoyment of her garden area. Finally, Julia Downes said that there was an alcohol rehabilitation centre close by and felt it would be totally inappropriate to open a licenced premise nearby.

4.6 In response to questions raised by Members of the Sub-Committee, Julia Downes stated that public nuisance and rowdy behaviour was already an issue due to the trial closure of nearby Little London Road. She said that she walked along that road daily and said that it was not very well lit and there always seemed to be people hanging around. She said that since the completion of the housing development, there were many issues with parking and people driving at speed which had been reported to the police.

4.7 Gamze Emin stated that there was a small gap between the land to the rear of the shop premises and the neighbouring property to the rear. She said that no objections had been received from the Responsible Authorities. Gamze Emin said that she would not necessarily trade until 11.00 p.m., she would close the shop earlier if she felt it appropriate. She said that there was another shop close by that sold alcohol and so anyone from the alcohol rehabilitation centre could already purchase alcohol from there if they wanted to. Ms. Emin said that the sale of alcohol would be for consumption off the premises and that there was no parking available in front of the premises so customers would not be driving up and waiting outside the shop, causing a public nuisance. She felt that the objections were based on the sale of alcohol, but it was intended to sell groceries as well as drink.

4.8 In response to questions raised by Members of the Sub-Committee, Gamze Emin said that the hours of opening had not yet been fully decided upon and that any promotions or discounted sales of alcohol would depend on cash and carry prices. She said that she had run a supermarket for the past five years and had never had any complaints from the police. If the licence was to be granted, she would be the Designated Premises Supervisor for the premises. Ms. Emin said that the sale of alcohol amounted to just 10% of trade, the main focus would be to sell groceries, considering the demands of the local area. She said that there were schools in the area, and it was intended to sell bread and sandwiches to schoolchildren. She said that if there was to be differing closing hours for groceries and alcohol, shuttered fridges would be installed to prevent the sale of alcohol. Ms. Emin said that she and her husband would be staffing the shop and it was intended to employ extra staff. She said that she would be willing to make a telephone number available to local residents should there be any problems and would be willing to close should any issues arise. Finally, she stated that the planning application, although completely separate to this licence application, had

been granted until 11.00 p.m.

- 4.9 Jayne Gough reported on the options available to the Sub-Committee.
- 4.10 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.
- 4.11 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.13 RESOLVED: That, further to the information contained in the report now submitted, the representations now made and the responses to the questions raised, the application for a premises licence in respect of the premises known as GG Mila Supermarket, 715-717 Abbeydale Road, Sheffield S7 2BE (Ref No. 164/22), be granted for the sale of alcohol between the hours of 0800 to 2300 and the premises licence between 0700 to 2300 Mondays to Sundays.

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

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 14 November 2022

PRESENT: Councillors Jayne Dunn (Chair), Cliff Woodcraft and Henry Nottage

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 passed to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - 428 ECCLESALL ROAD, SHEFFIELD, S11 8PX

4.1 Present at the meeting were Chris Turgoose (Objector), Ian Smith (Objector), Jayne Gough (Licensing Strategy and Policy Officer & Health and Wellbeing Lead), Samantha Bond (Legal Adviser to the Sub-Committee), Jack Risely Boyt (Professional Officer) and Philippa Burdett (Democratic Services).

4.2 Prior to the presentation of the report, Jayne Gough stated that, further to email correspondence prior to the hearing between the applicant and licensing officers, the applicant had requested that the hearing be postponed due to a communication breakdown between himself and the premises landlord. Ms Gough added that a formal request to withdraw the application had not yet been received from the applicant.

4.3 Samantha Bond stated that without having received a formal withdrawal of the application, and without the presence of the applicant at the hearing, any decision made at the hearing in relation to the determination of the application, would not be fair and just.

4.4 Ian Smith stated that one of the objections he had raised related to the poor quality of communication of the proposal via the sign that was fixed to the premises.

4.5 Jayne Gough thanked Mr Smith for bringing this to the Sub-Committee's attention and stated that the signage must match the application, or the process would be invalidated.

- 4.6 RESOLVED: That, in the light of the information now reported, consideration of the application for a premises licence in respect of the premises at 428 Ecclesall Road, Sheffield, S11 8PX (Ref No. 158/22), be deferred to enable the applicant to either attend a rescheduled hearing or formally withdraw the application.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 22 November 2022

PRESENT: Councillors David Barker (Chair), Denise Fox and Abdul Khayum

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Roger Davison 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 press and public.

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - CORNER SHOP, 253 GLOSSOP ROAD, SHEFFIELD, S10 2GZ

- 4.1 The Chief Licensing Officer submitted a report to consider an application, made by the Licensing Authority, under Section 51 of the Licensing Act 2003, for a review of a premises licence in respect of The Corner Shop, 253 Glossop Road, Sheffield, S10 2GZ (Ref. No. 157/22).
- 4.2 Present at the meeting were Gareth Barrett (Licensing Authority, Applicants), Ian Armitage (South Yorkshire Police Licensing Enforcement Officer), Julie Hague (Sheffield Children's Safeguarding Partnership), Jayne Gough (Licensing Policy and Strategy Officer), Samantha Bond (Legal Advisor to the Sub-Committee), Jack Risely-Boyt (Shadow Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 Samantha Bond outlined the procedure to be followed during the hearing.
- 4.4 Jayne Gough presented the report, and it was noted that representations had been received from South Yorkshire Police (SYP) and the Sheffield Children's Safeguarding Partnership (SCSP), and were attached at Appendix "C" to the report. Ms Gough stated that the premises licence had originally been granted in July 2022, and shortly after this, the licence was transferred to the current Premises Licence Holder. As the licence itself had not yet been issued at the time of the transfer, Licensing Officers had hand-delivered the licence to the premises to ensure that the new licence holder was fully aware of what had been

agreed at the hearing in July 2022, and all the conditions were fully outlined. The Premises Licence Holder had been invited to the meeting but was not present.

- 4.5 Gareth Barrett reported on the grounds as to why the application had been made by the Licensing Service, and he referred to his role, as Licensing Enforcement and Technical Officer, in terms of trying to ensure that premises licence holders adhered to the conditions of their premises licences. Mr Barrett stated that, in those cases where this did not happen, the Service would provide assistance to help licensees achieve compliance and, if they continued to disregard the conditions, enforcement action would be taken. Mr Barrett attended the premises on 3rd September 2022, and handed a transfer of premises licence form, which set out all the conditions on the current premises licence, to a shop worker as the licensee, Mr Ehshan Naderi, was not present. Mr Barrett spoke to Mr Naderi by phone, explaining the purpose of his visit, and referred to the conditions on the licence. This was followed up by a warning letter, giving Mr Naderi two weeks to comply. Mr Barrett stated that, during his inspection, he noticed that the premises licence was not displayed, there was a bed in the store room, there were missing tiles on the shop floor and the floor was uneven, creating a trip hazard. Mr Barrett made a further visit to the premises on 20th September, 2022, with Catherine Jarvis (SYP Licensing Enforcement Officer), and found that 10 conditions on the premises licence were still not being adhered to. Again, Mr Naderi was not present, and Mr Barrett spoke to him on the phone, explaining the specific condition breaches. Following a suggestion by Mr Barrett, Mr Naderi agreed to a voluntary closure of the premises to allow him time to take the necessary steps to ensure that the 10 conditions were adhered to, and to contact Ms Jarvis to arrange a further visit. Ms Jarvis visited the premises on 21st September 2022 and found the shop to be open. On the grounds of the repeated failings to adhere to his licence conditions, together with the failure to work with the Licensing Service or SYP, Mr Barrett had been forced to submit an application for a review of the premises licence.
- 4.6 On 18th November 2022, Mr Barrett made a further visit to the premises and spoke to a shop worker, Mr Barzan Ahmed, who confirmed that his cousin, Mr Karzan Aziz was now the new owner of the premises, but the licence had not yet been transferred to him. Mr Barrett went through the nine condition breaches with Mr Ahmed, and also, during his visit, found a bag containing suspected counterfeit vapes. Mr Barrett confirmed that, to date, the licence had still not been transferred, therefore Mr Naderi remained the Premises Licence Holder. He concluded by stating that as Mr Naderi had failed to co-operate with the Licensing Service, he had recommended a full revocation of the premises licence as he had no confidence that Mr Naderi would be able to comply with any of the licence conditions.
- 4.7 Ian Armitage, on behalf of Catherine Jarvis, stated that he concurred with everything Mr Barrett had said, and referred to Ms Jarvis' representations, as set out in the papers, indicating that these also concurred with everything reported by Mr Barrett. He stated that, in his experience, he did not believe that the Licencing Service or SYP could have assisted the premises any further, and fully supported the decision to submit the review application and the recommendation

to revoke the premises licence.

- 4.8 Julie Hague stated that the Sheffield Children Safeguarding Partnership (SCSP) had been very concerned at an early stage with regard to the non-compliance of very basic conditions in terms of age verification, which the Partnership relied on in terms of safeguarding children and young people. She stated that there were particular concerns regarding the sale of alcohol and, as now reported, the sale of suspected counterfeit vapes. There was still no evidence of any age verification schemes or safeguarding policies or procedures, and there had been no communication with the Premises Licence Holder. Ms Hague stated that she had recently contacted Mr Naderi to discuss her concerns, but he had simply told her that he had nothing to do with the shop, and was not able to provide the contact details of the new owner. Ms Hague concluded by stating that if the Sub-Committee was mindful to modify the licence conditions, such conditions should be very specific in terms of staff training records, including induction, refresher and fake ID training, and age verification policies and procedures.
- 4.9 In response to questions raised by Members of, and the legal adviser to, the Sub-Committee, Jayne Gough explained the position regarding the history of the premises licence, and confirmed that Mr Naderi was still responsible for the licence conditions. Mr Aziz had confirmed that he was the current licence holder, and Mr Barzan Ahmed, Mr Aziz's cousin, had been the licensee of the Nile Market, Pitsmoor, the licence of which had been reviewed and subsequently revoked by the Sub-Committee. The Corner Shop was still trading, and had been open on 18th November 2022, when visited by Catherine Jarvis. The layout of the premises had changed significantly, with 60 to 70% of sales on display representing alcohol. The Licensing Service had not received any reports of incidents arising from breaches of the licence conditions, and had informed Trading Standards about the suspected counterfeit vapes, and that Service was now making its own enquiries. During the inspection on 3rd September 2022, Mr Barrett witnessed cameras in place, but noted that they were not in operation. On 18th November 2022, Mr Barrett noted that the cameras were now working, but that recordings were only being maintained for three days, and that there was no CCTV log available for inspection at that time. Mr Barrett stated that, in his experience, it was very unusual for a Premises Licence Holder not to comply with requests being made by the responsible authorities, particularly given the level of assistance provided.
- 4.10 All parties summarised their cases.
- 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 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 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 premises licence in respect of the premises known as The Corner Shop, 253 Glossop Road, Sheffield, S10 2GZ (Ref No. 157/22), be revoked on the grounds that the premises licence holder has consistently undermined the licensing objectives, particularly with regard to the prevention of crime and disorder, public safety and the protection of children from harm.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 6 December 2022

PRESENT: Councillors David Barker (Chair), Mike Drabble and Denise Fox

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Cliff Woodcraft.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - REVIEW OF A PERSONAL LICENCE

4.1 The Chief Licensing Officer submitted a report to consider the suspension or revocation of a personal licence following the conviction of a relevant offence/foreign offence under Section 132A of the Licensing Act 2003 (Ref No. 185/22).

4.2 Present for this item were the licence holder, Jayne Gough (Licensing Strategy and Policy Officer), Jack Risely Boyd and Carol Curtin (Legal Advisers to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Carol Curtin outlined the procedure to be followed during the hearing.

4.4 Jayne Gough presented the report to the Sub-Committee highlighting that the Licensing Act 2003 had been amended by Section 138 of the Police and Crime Act 2017, which had given the Licensing Authority discretionary powers to revoke or suspend a personal licence where the holder had been subject to convictions for relevant offences. Ms. Gough stated an anonymous letter had been received, drawing the Licensing Authority's attention to the conviction and this had been attached to the report at Appendix "B". Additional submissions had been received in support of the licence holder and these were attached at Appendix "C" to the report.

- 4.5 The licence holder outlined to the Sub-Committee the events that had taken place on the evening which had led to the conviction. Members of the Sub-Committee and legal representatives asked a number of questions and responses were provided by the licence holder.
- 4.6 Jayne Gough outlined the options available to the Sub-Committee.
- 4.7 RESOLVED: That the licence holder and Licensing Officer 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 7 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.8 Carol Curtin reported orally, giving legal advice on various aspects of the case.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the licence holder and Licensing Officer.
- 4.10 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 take no action against the licence holder.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 13 December 2022

PRESENT: Councillors David Barker (Chair), Denise Fox and Abdul Khayum

.....

1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - QUEER JUNCTION, 137-139 THE MOOR, SHEFFIELD, S1 4PH

4.1 The Chief Licensing Officer submitted a report to consider an application, made by South Yorkshire Police, under Section 51 of the Licensing Act 2003, for a review of a premises licence in respect of Queer Junction, 137-139 The Moor, Sheffield S1 4PH (Ref. No. 188/22).

4.2 Present at the meeting were James Ketteringham, Ian Armitage and Paul Briggs (South Yorkshire Police, Applicants), Chris Grunert (John Gaunt, Solicitors, for the premises), Matt Taylor and Orin Fitchett (Queer Junction), Maureen Hanniffy (Sheffield Children's Safeguarding Partnership), Jayne Gough (Licensing Policy and Strategy Officer), Carol Curtin (Legal Advisor to the Sub-Committee) and John Turner (Democratic Services).

4.3 The Chair outlined the procedure to be followed during the hearing.

4.4 Jayne Gough presented the report, and it was noted that representations had been received from the Sheffield Children's Safeguarding Partnership and 11 members of the public, 10 in support of the premises and one in support of the review, and were attached at Appendix "D" to the report.

- 4.5 Chris Grunert stated that following the interim steps hearing on 22nd November, 2022, the police had met with the premises, and had agreed a way forward which, if agreed by the Sub-Committee, could negate the requirement for a full review. The main element of the agreement was the premises voluntarily agreeing to close at 04:00 hours, subject to the interim steps imposed on 22nd November, 2022, being lifted.
- 4.6 James Ketteringham reported on the current policing arrangements for the venue, including crime statistics. He referred to the agreement between the premises and the police, stating that the premises had agreed to the 04:00 hours closure, as well as reviewing other aspects of the premises' operation, including CCTV, door supervision and training. Mr Ketteringham stated that the agreement between the two parties would last for a period of six weeks (to 23rd January, 2023), when both parties would review how the new arrangements were going. He concluded by stating that he was confident that the agreement would work.
- 4.7 James Ketteringham responded to questions raised by a Member of the Sub-Committee.
- 4.8 Chris Grunert put the case on behalf of the premises, confirming the arrangements made with the police, in that management were happy for the premises to continue to close at 04:00 hours up to 23rd January, 2023, then for a review of the operation to be undertaken after that date, in collaboration with the police. He stated that he had every confidence in the management adhering to this arrangement, and that they would continue to work with the police in connection with all aspects of the operation of the premises. Mr Grunert confirmed that no children or young people had been involved in any of the reported incidents, and this was ratified by Maureen Hanniffy. He concluded by stating that, following the interim steps hearing, management were reviewing other aspects of the premises' operation, including CCTV, door supervisors, membership scheme and training.
- 4.9 Chris Grunert responded to questions raised by Members of the Sub-Committee and Jayne Gough.
- 4.10 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 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.
- 4.11 Carol Curtin reported orally, giving legal advice on various aspects of the application.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.13 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, regarding the premises licence in respect of the premises known as Queer Junction, 137-139 The Moor, Sheffield, S1 4PH (Ref. No. 188/22), the Sub-Committee:-

- (a) agrees that the interim steps imposed at the informal meeting of the Sub-Committee held on 22nd November, 2022, be lifted; and
- (b) concurs with the agreement made between the premises and the police, for the premises to voluntarily close at 04:00 hours, up to 23rd January, 2023, and for a review of the operation of the premises to be undertaken by the premises and the police after that date.

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

This page is intentionally left blank

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank