

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 21 October 2024

**PRESENT:** Councillors David Barker (Chair), Karen McGowan and Brian Holmshaw

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

- 1.1 Councillor Karen McGowan attended the hearing as a reserve Member and was 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 - TEMPORARY EVENTS NOTICE**

- 4.1 The Chief Licensing Officer submitted a report to consider an objection notice served by South Yorkshire Police under Section 104(2) of the Licensing Act 2003 in relation to a Temporary Event Notice (TEN), given in respect of the premises known as 'The Beer Engine', 17 Cemetery Road, Sheffield, S11 8FJ (Ref. No. 136/24).
- 4.2 Present at the meeting were Thomas Harrington (Premises Licence Holder) of The Beer Engine (Pub Co.) Ltd., Chief Inspector Gareth Thomas (South Yorkshire Police, Operational Policing), Ian Armitage (South Yorkshire Police, Licensing and Enforcement Officer), Detective Sergeant John Armitage (South Yorkshire Police, Football Intelligence Unit), Carl Fender (Counsel for South Yorkshire Police), Samantha Bond (Legal Advisor to the Sub-Committee), Jayne Gough (Licensing Strategy and Policy Officer) and Clare Cummins (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 advised that a notice of objection to the Temporary Event Notice had been submitted by South Yorkshire Police (SYP) on the 1 October 2024 and a copy was attached at Appendix 'B' to the report.

4.5 Carl Fender presented the objections on behalf of South Yorkshire Police to the Sub-Committee. He stated that there was a long-standing and historic opposition that respective fans of Sheffield United Football Club and Sheffield Wednesday Football Club, had towards each other. The two football clubs have not played against each other for five and a half years. Mr Fender continued to highlight the following reasons for the objection –

- A ‘mass brawl’ happened between the two rival clubs in 2013/14, and since that time there had been a number of ‘revenge attacks’ carried out by football fans against fans of the opposing club at premises around the City Centre, including West Street. In 2022, a Sheffield Wednesday fan was the victim of manslaughter, this offence took place outside the Bessemer Public House, Leopold Street.
- Incidents happen before and after football matches, particularly on West Street.
- An extended four and a half hours of accessibility to alcohol, which was being applied for by the Beer Engine could be an incendiary to long-standing rivalries of sections of fans of both football clubs.
- This information had been passed to Mr Fender by DS Armitage (Football Intelligence Officer).
- The fixture was due to take place on the evening of Friday the 8 November. Through negotiations, the fixture was moved to 12.30 pm on Sunday 10 November 2024, due to serious concerns held by the Police, of fans having the opportunity to drink before the match.
- To allow this application to be granted, after the match had been moved to what had been deemed as a ‘safer’ time over the weekend, defeats the object of moving the fixture to 12.30 pm on the Sunday.
- The 10 November 2024 is also Remembrance Sunday, which would mean that just before the match starts, there would be a heightened presence of members of the public, city dignitaries, Cadets and members of the armed forces in the city centre attending this event. Extending licensing hours increases the risk of public disorder, putting members of the public at risk.
- Mr Fender submitted that the safest option, and one which promotes the licensing objectives of public safety and the prevention of crime and disorder, was to not allow this event to go ahead.

DS Armitage made representations also, he raised the following points –

- Fan groups of both football clubs and the football clubs themselves were consulted with and consideration was given to not allowing any licensed premises to open prior to the match starting. It was decided and agreed that licensed premises should be allowed to operate under their existing licensed hours on the 10 November. This would reduce the opportunity for excess alcohol consumption and the associated violence and disorder.

Mr Ian Armitage contributed the following information –

- A Letter had been sent to all licensed premises around the Bramall Lane,

London Road, Barkers Pool and other areas the police considered could be visited by football supporters, the letter outlined a positive code of conduct expected on the 10 November, licensed premises had been visited also by Mr Armitage and the Football Intelligence Officers to offer further explanation.

- This had been well received by the licensees who had shown an understanding of the situation.

4.6 Councillor Karen McGowan expressed her disappointment that this fixture had been agreed to go ahead on the same day and at the same time as Remembrance Sunday.

4.7 In response to questions from Members of the Sub-Committee, representatives from South Yorkshire Police stated the following:

- On football match days, 'away teams' had overall, used the Beer Engine, there had been no specific problems reported.
- No specific football intelligence could be disclosed by the Police.
- Previously, an earlier start to a football game had proven successful in limiting access to alcohol by fans, averting anti-social behaviour and incidents of violence.
- Some public houses would be open on the morning of the 10 November, these were pubs that would be operating within their already existing licensing hours.
- This fixture would be the biggest police operation this year. The rest of the city would still require police resources.
- It was the intention of the police to object to all TENs in relation to this fixture. SYP have explained their concerns and have offered advice to licensees.
- There was a separate police operation in place to ensure the safety and smooth running of the Remembrance Sunday event.

4.8 The premises licence holder was given the opportunity to pose questions to the police, he stated the following:

- He was informed by the police that they objected to his TEN, he was not given an explanation.
- He had not had issues with customers previously.
- He would not advertise on social media that the Beer Engine would be open early on the 10 November, should the event be allowed to go ahead. He would employ extra security, serve food and limit numbers of members of the public in the premises.
- He felt it was unfair that other public houses could open early, and the Beer Engine could not.
- He was willing to alter the opening time from 8.00 am to an agreed time with the Sub-Committee.
- It would be a favourable opportunity for the business to make money in these difficult times.

- 4.9 In response to questions from Members and Samantha Bond, the following points were raised:
- The premises licence holder would employ three door staff for extra security.
  - The premises licence holder would only allow Sheffield United ticket holders into the venue, on proof of possession of a ticket for the game.
  - The license holder explained that it was a craft beer pub, there were no televisions or gaming machines in the pub. He had a good relationship with customers and he and his staff treat customers well, this results in no trouble being caused.
  - Since the premises licence holder has had The Beer Engine, it was open once before during a derby game, there was an incident to which door staff responded to, removing the customers involved from the pub.
  - If the police had explained the risk posed by pubs opening early selling alcohol, the applicant would have still submitted the TEN.
  - The premises licence holder asked for the opportunity to make some money when other venues in the city were allowed to.
  - The premises licence holder stated that he would advertise that they would be open before the game, starting through word of mouth only to certain customers, should the event be allowed to go ahead.
- 4.10 In summing up the case, South Yorkshire Police asked the Sub-Committee to accept that their response to this TEN was proportionate. They were allowing licensed premises to operate within their existing licensing hours. The Police had engaged with the Beer Engine and explained their reasoning for objecting to the TEN and that this was not personal to the Beer Engine. Mr Fender stated that Mr Harrington did not appear to have given any thought to the promotion of the licensing objectives to promote public safety and prevent crime and disorder. The premises licence holder had not presented the Sub-Committee with any compelling reasons to acknowledge the TEN and that this fixture was much anticipated by football fans and carried negative emotion for some factions of the fans. It was also an emotive day due to it being Remembrance Sunday. He asked the Sub-Committee to not acknowledge the TEN.
- 4.11 In summing up the case by the premises licence holder, he stated that he wished to provide a service to his regulars and to make money for the business. He was accepting that every football fixture carries risk. He explained to the Sub-committee that they have had so little trouble at The Beer Engine that often, security staff were not required. He ended by acknowledging he understood what the police had explained during the meeting.
- 4.12 Jayne Gough outlined the options available to the Sub-Committee.
- 4.13 **RESOLVED:** That the attendees involved in the application be excluded from the meeting before further discussion take 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.
- 4.14 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, and the webcast re-commenced.
- 4.16 **RESOLVED:** That, in the light of the objection notice in relation to the Temporary Event Notice (Ref. No. 136/24), the event organiser be issued with a counter notice on the basis that the Sub-Committee considers it appropriate for the promotion of the licensing objectives.
- 4.17 (The full reasons for the Sub-Committee's decision would be included in the written Notice of Determination.)