

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 12 June 2014**

**PRESENT:** Councillors Geoff Smith (Chair), Neale Gibson, Stuart Wattam and Denise Reaney

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 Councillor Neale Gibson declared an interest in the applications on the agenda on the grounds that he had held discussions on the matter with the applicant, and he left the meeting.

**4. LICENSING ACT 2003 - TOWNFIELD HEAD FARM, LONG LANE, STANNINGTON, SHEFFIELD S6 6GR - FOURTEEN TEMPORARY EVENT NOTICES**

4.1 At the commencement of the meeting, it was agreed by all parties that both cases be considered at the same time. (Agenda items 4 and 5)

4.2 The Chief Licensing Officer submitted two reports to consider a notice of objection relating to 12 temporary event notices (Case No.61/14) and two temporary event notices (Case No.62/14) for the premises known as Townfield Head Farm, Long Lane, Stannington, Sheffield S6 6GR.

4.3 Present at the meeting were Mark Woodward (Applicant), Sarah Brown (Applicant's partner), Neal Pates and Nick Chaplin (Environment Protection Service (EPS)), Clive Stephenson (Principal Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.4 Marie-Claire Frankie outlined the procedure which would be followed at the meeting.

4.5 Clive Stephenson presented the reports to the Sub-Committee and it was noted that an objection had been received from the EPS and was attached at Appendix "B" to both reports.

4.6 Neal Pates referred to historical complaints made by neighbours of the applicant which had led to an application for a premises licence being considered by the

Licensing Sub-Committee on 3rd April, 2014 which was refused. However, some agreement was made when Temporary Events Notices were subsequently submitted to allow for some of the events already booked by Mr Woodward to take place on a trial basis, to enable the Environmental Protection Service to assess the impact of the events on the applicant's neighbours. Neal Pates referred to an area map and a site plan of the area which showed the positioning of the wedding marquee and the surrounding properties. He stated that on the 25th and 31st May, 2014 officers from the Environmental Protection Service had visited the area whilst events were taking place and had taken sound recordings at various locations in the area and also inside the neighbouring premises. He further stated that, prior to the events taking place, noise monitoring equipment had been installed in the bedroom of the immediate neighbours of the applicant to enable short audio recordings to be made. Neal Pates said that on both occasions, the music noise levels were such that individual songs were clearly audible and identifiable some 280 metres away from the Marquee. Event noise was also witnessed at the neighbouring property caused by guests' use of the courtyard facilities.

- 4.7 Nick Chaplin said that he had attended the area on the 31st May and had observed from different positions in the area significant noise nuisance caused by music, the DJ over the PA system, talking, singing, noise from the toilets and the hand-dryers inside the toilets. He said that he was told by a local resident that the Marquee had been moved to a location nearer to Flash Lane than the previous week, due to boggy ground, and the noise levels were higher than the previous event at Flash lane due to this and the wind blowing towards this Lane. He added that although the live music was turned off promptly at 11.00 p.m., recorded music continued to 11:30 p.m. and there was additional noise created by people leaving the event.
- 4.8 Neal Pates then referred to records of calls made to the 101 Service by neighbours and correspondence he had subsequently received. He also referred to the 12 conditions which the applicant had volunteered at the meeting held in April, and stated that whilst the spirit of the conditions had been adhered to, public nuisance had still occurred. He then referred to the sound level meter data which had been recorded prior to and during the events and said that the noise during the events was significantly higher than noise levels measured on a similar evening when no event was taking place, and that the noise level was very intrusive to the human ear. He said that due to the nature of the events, it would be very difficult to control the noise.
- 4.9 In response to questions from Members of the Sub-Committee, Neal Pates stated that the conditions were that no more than 200 people were allowed to attend the one day events, and that two out of four of the neighbours resident on Flash Lane, and four residents in the locality in total had objected to the premises licence being granted. He added that there are no statutory noise levels, the Service has to consider what an acceptable level of noise is. Regarding questions relating to the proposed pop-up restaurant events, Neal Pates stated that he can only assume the noise levels at such events and would like the opportunity to monitor the event before reacting to it.

- 4.10 Mark Woodward stated that it has never been his intention to make the lives of his neighbours a misery. He said he worked hard and had had a very stressful past five months dealing with pressure from vexatious neighbours and the Environmental Protection Service, believing that the Service have behaved inappropriately towards him and is in the process of submitting a formal complaint.
- 4.11 Mark Woodward circulated a document showing a timeline. He said that initially his near neighbours had agreed to weddings taking place and in 2011 he had applied for and subsequently been granted a Temporary Event Notice (TEN) without any conditions. There had been no complaints. Due to the success of the wedding, he thought that this could be a sound business and consulted with his neighbours with a view to holding 10 similar events per year. Again in 2012 and 2013, TENs had been applied for and granted. He held a pop-up restaurant event in 2013 and again this had been very successful without any complaints from his neighbours. Similarly, he had held a large barbeque party and again no complaints were made. By February, 2014 he had taken bookings for 16 weddings to be held during 2014 and 2015 from April to September each year. Mr. Woodward then attended a Tour de France Workshop and planned a camping weekend which could potentially have more than 499 people attending. He was advised by the Licensing Service to apply for the premises licence, but after it was rejected he took advice on the conditions and has made every effort to comply with those conditions.
- 4.12 Mr. Woodward then referred to the Council's website which advertised similar events to his own, with outlying premises within 400 metres and in some cases 100 metres, but these events go ahead with no objection to them. He stated that none of the other Responsible Authorities had objected to the licence and Mr. Pates had stated his surprise at the licence being refused. Mr. Woodward, on advice, appealed against the decision of the Sub-Committee, but the Court case was adjourned and as yet no new date had been set and there was a forthcoming wedding which may not go ahead due to this.
- 4.13 Mr. Woodward produced a plan showing the location of his sitting room in comparison to neighbouring properties and the site of the Marquee. He played through his laptop, sound recordings he had made in his sitting room on the 25th and 31st May, adding that as can be seen, his sitting room is closest to the tent. The noise on each occasion was inaudible. He added that on the 31st May at 9.00 a.m., a bonfire was lit on neighbouring land and he contacted the Police. By the time the Police had arrived, the bonfire had died down, they went away and another bonfire was lit and when that died down, another was lit.
- 4.14 In response to questions, Mr. Woodward stated that he had bought his own sound recording equipment which he believed was approved by the Environmental Protection Service. In response to a question from Environmental Protection, Mr Woodward agreed that he had been advised by Mr Pates, prior to the events, not to rely on the use of a sound level meter to determine appropriate noise levels at the event and to determine levels by listening at the site boundary. He further stated that it was never his intention to hold more than 10 weddings throughout a calendar year and that there would never be more than 200 guests, apart from the Tour de France weekend which was unique. He added that the hand dryers in the

toilets could be removed; he had installed gates and put up notices asking people to leave quietly.

4.15 In summing up, Mark Woodward stated that there had been no issues with his neighbours prior to 2014, and that he has always acted in good faith, the problems commenced when he applied for the premises licence.

4.16 Clive Stephenson outlined the options open to the Sub-Committee.

4.17 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.

4.18 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.

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

4.20 RESOLVED: That in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, (a) as regards the application for 12 Temporary Event Notices at Townfield Head Farm, Long Lane, Stannington, Sheffield S6 6GR (Case No.61/14), the Sub-Committee issued a counter notice on the premises due to public nuisance; and

(b) the application for Two Temporary Event Notices at Townfield Head Farm, Long Lane, Stannington, Sheffield S6 6GR for a Pop-Up Restaurant to be held from the 23<sup>rd</sup> to the 27<sup>th</sup> June, 2014 and another Pop-Up Restaurant to be held from the 23<sup>rd</sup> to the 28<sup>th</sup> June, 2015 (Case No. 62/14), be granted in the terms requested.

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