

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 21 August 2014

PRESENT: Councillors David Barker (Chair), Olivia Blake, Neale Gibson, Anne Murphy, Josie Paszek, Denise Reaney and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Nikki Bond, Jack Clarkson, Jillian Creasy, George Lindars-Hammond and Geoff Smith.

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. MINUTES OF PREVIOUS MEETINGS

4.1 The minutes of the meetings of the Licensing Sub-Committee held on 10th, 17th, 24th, 25th and 27th February, 3rd, 10th, 17th, 18th, 24th, 25th and 31st March, 3rd, 7th, 8th, 14th, 28th and 29th April, 12th, 19th and 20th May, 2nd, 3rd, 4th, 5th, 9th, 12th, 16th, 17th, 19th, 24th and 30th June and 1st July, 2014 and the Licensing Committee held on 20th February and 27th March, 2014 were approved as correct records.

5. COMMONS ACT 2006 - FEE SETTING – LANDOWNER STATEMENTS UNDER SECTION 15A

5.1 The Chief Licensing Officer submitted a report outlining changes to the Commons Act 2006, which came into force on 1st October, 2013. The purpose of the report was to ask Members to agree a fee in respect of the Landowner Statements under Section 15A of the Act. A breakdown of the estimated fees was attached at Appendix "1".

5.2 Carolyn Forster informed Members that the proposed fee of £320 on applications for Landowner Statements had been derived through calculations of officer time in carrying out the application requirements and process as prescribed by the regulations, including, the placing of notices on the land and keeping an up-to-date register. Notwithstanding that the regulations do not provide fee amounts, the power to set the fee falls to the Authority and the fee must be reasonable for the application type. Carolyn Forster added that the proposed fee will be reviewed to ensure that amounts charged are proportionate to the Authority's costs.

5.3 **RESOLVED:** That the Committee:

- (a) notes the contents of the report now submitted; and
- (b) approves the proposed fee of £320 for applications for Landowner Statements under the Commons Act 2006, with the fee being subject to review at any time.

6. TEMPORARY EVENT NOTICE - TERMINUS TAVERN, 150A MAIN ROAD, SHEFFIELD S9 5HQ

- 6.1 The Chief Licensing Officer submitted a report to consider a notice of objection relating to a Temporary Event Notice for the premises known as Terminus Tavern, 150A Main Road, Sheffield S9 5HQ (Case No.83/14).

Members of the Committee in attendance for this item were Councillors David Barker (Chair), Olivia Blake, Anne Murray and Josie Paszek.

- 6.2 Present at the meeting were Tansy Bagshaw (Applicant), Tony Stubbs (Applicant's friend), Benita Mumby (South Yorkshire Police), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Committee) and Jennie Skiba (Democratic Services).
- 6.3 Marie-Claire Frankie outlined the procedure which would be followed at the meeting.
- 6.4 Clive Stephenson presented the report to the Committee and it was noted that an objection had been received from South Yorkshire Police and was attached at Appendix "B" to the report.
- 6.5 Benita Mumby stated the grounds of objection from South Yorkshire Police were based on the protection of children from harm. She further stated that the Police have serious concerns regarding the suitability of the premises for children to attend the proposed events. Benita Mumby went on to add that there had been issues with bad language, drugs use and fighting and did not feel that it was the right environment for children to be in.
- 6.6 In response to questions, Benita Mumby said that in June, 2014 there had been a fight at the premises to which the Police were called and had attended. She added that the licence conditions had already been breached and felt that by granting the extension, children would have free reign to access all areas of the premises.
- 6.7 Tansy Bagshaw stated that as far as she was aware, there had not been an incident of violence in June, the only time she can recall the Police being called was last Christmas Eve. She went on to say that the purpose of holding the three day charity event was to prove to the

Police and Licensing Services that the premises were a safe and suitable environment for children to be in attendance. She further stated that a charity event had been held previously, but due to children having to vacate the premises by 5.00 p.m., parents leave at the same time and therefore the event was not as successful as she would have liked.

- 6.8 Tony Stubbs stated that children are currently allowed onto the premises with their parents in a designated children's room, but considers this room to be too small and is very restrictive. He added that a high fence with lockable gates had recently been erected to the beer garden and the original application for children to be allowed onto the premises was for the designated room and beer garden but this had been refused.
- 6.9 In response to questions from Members of the Sub-Committee, Tansy Bagshaw stated that at present, children have to pass through the bar area to get to the toilets and felt that if children were allowed outside, they can access toilets in the doorway thus alleviating the need to pass through the premises. She added that there is never any trouble on the premises, and anyone who might be likely to cause trouble are stopped from entering through the garden. She informed Members that as well as erecting the fence, plug sockets had been moved out of the reach of children and the steps had been painted in order to make the area "child friendly". Tansy Bagshaw further stated that most of her trade is during the day and generally closes by 8.00 p.m.
- 6.10 In summing up, Tansy Bagshaw stated that trade was very poor and she and her partner were struggling to make the business a success, but felt that by holding the three-day charity event, business would pick up in the future.
- 6.11 Clive Stephenson outlined the options open to the Committee.
- 6.12 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.
- 6.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 6.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.15 RESOLVED: That the Committee agrees that the applicant be issued with a counter notice in respect of the Temporary Event Notice for 29th, 30th and 31st August, 2014, in respect of the premises known as

Terminus Tavern, 150A Main Road, Sheffield S9 5HQ, as it considers it necessary on the grounds of the protection of children from harm and the prevention of crime and disorder.

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