

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.

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