

# 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.)