

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 18 September 2023

PRESENT: Councillors David Barker (Chair), Karen McGowan and Henry Nottage

1. APOLOGIES FOR ABSENCE

- 1.1 There were no apologies for absence. Councillor Sioned-Mair Richards attended the meeting 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 - MVL PROPERTIES 2017 LTD - THE LEADMILL, 6-7 LEADMILL ROAD, SHEFFIELD, S1 4SE

- 4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, for the grant of premises licence in respect of the premises known as 'The Leadmill', 6-7 Leadmill Road, Sheffield, S1 4SE (Ref. No. 94/23).

- 4.2 Present at the meeting were Dominic Madden, on behalf of MVL Properties 2017 Ltd. (Applicant), Paddy Whur (Legal Representative for the Applicant), Sarah Clover (Representative for the current premises licence holder, 'the Leadmill Ltd. '), Malcolm Hope (Legal Adviser to the Sub-Committee), Samantha Bond (Legal Adviser to the Sub-Committee), Shimla Finch (Principal Licensing Policy and Strategy Officer), Gareth Barrett (Licensing Enforcement/Technical Officer), Darrell Butterworth (Licensing Compliance Consultant) and Philippa Burdett (Democratic Services).

- 4.3 Malcolm Hope outlined the procedure which would be followed during the hearing and set out preliminary legal advice.

- 4.4 Shimla Finch presented the report to the Sub-Committee, and it was noted that, during the consultation period, representations had been received from the current licensee ('the Leadmill Ltd. ') in addition to 157 representations from interested parties, and were attached at Appendix 'C' to the report. During the consultation period, conditions had been agreed between the Applicant and three Responsible Authorities, and were attached at Appendix 'B' to the report.

- 4.5 Sarah Clover spoke on behalf of the current licensee ('The Leadmill Ltd. '). She

drew the Committee's attention to the large number of representations that had been made (as detailed in Appendix 'C' of the report) and explained that she intended to consolidate the strength of feeling displayed within the representations. She referred to Appendix 'A' of the report, and noted that the application was for a 'shadow' licence that mirrored the existing Premises Licence. She outlined what she believed to be inaccuracies within the application, namely, in what capacity the application was being made, the description of the premises and the absence of a named Designated Premises Supervisor. She also referred to the conditions listed in the application and the conditions agreed with the Responsible Authorities listed in Appendix B of the report, that she believed to be contradictory. Ms Clover noted a lack of clarity on which representations the conditions had been based upon, as well as a lack of explanation or justification from the Responsible Authorities. She believed that the 'crime and disorder' licensing objective had not been addressed adequately within the agreed conditions, in particular, door staff management, enhanced search policy, age restriction policy and CCTV provisions. She made reference to the hostile relationship between the Applicant and the current licensee, and noted that the representations made by those objecting to the application had been similar in content, based mainly upon reputational issues of the Applicant and the distrust within the community. The main topics of concern had been laxity of underage access, overselling of tickets, unprofessional door staff and reports of drugs and violent disorder at other venues run by MVL Properties 2017 Ltd. She was also concerned about the potential negative impact of these issues on those with protected characteristics. She also referred to what she believed to be inaccuracies within the Applicant's bundle of supporting information, in particular in relation to the references supplied.

4.6 Councillor David Barker, Chair of the Sub-Committee, invited objectors present to speak at the meeting:-

(a) Frazer Spooner (on behalf of the Leadmill staff)

Mr Spooner noted family memories of the iconic venue. He had been a regular visitor before securing a job at the venue due to his understanding of the historical and musical significance of the venue. He added that his confidence had grown and that he had broadened his skillset whilst working with the enthusiastic team at Leadmill, who were committed to providing a high calibre experience to its customers. The staff had a shared passion to strive for high ethics and values. He was concerned about reported incidents at other MVL Properties venues. He stated that he objected on the strongest possible terms to the granting of this premises licence.

(b) Dominic Heslop (Sheffield artist, rapper and social engagement practitioner)

Mr Heslop explained that he had worked for over a decade in a wide range of creative community projects with a focus on building creative platforms for young people, many of whom had experienced trauma in their lives. He had founded Slambarz, a music and artist development live performance community interest company, that was passionate about providing safe spaces for young people to pursue their creative and musical interests. This involved work with industry

professionals and renowned venues such as the Leadmill. The Leadmill had directly supported these endeavours and had enabled creative and mentoring opportunities to young people who would not ordinarily have had access to such support. The Leadmill had connected organisations across the city, and had helped to embrace diversity and provide a safer environment for young people. The Leadmill was a trusted and reputable organisation with a proven track record of understanding community cohesion. Mr Heslop had concerns that MVL Properties had shown no evidence of being capable of nurturing communities and safeguarding young people, and he was concerned about the safety of young people in such an environment, due to the volume of reported incidents in other venues they owned.

(c) Briony Tuplin (Resident of Sheffield)

Ms Tuplin advised that she had objected to the licence due to the absence of conditions to address concerns about the prevention of crime and disorder and protection of children from harm. She noted the work carried out by the Leadmill to engage with young people and was concerned about the reported incidents at other MVL Properties venues. As the licence holder at another music venue in Sheffield, she believed it would be difficult to build a relationship with a company that did not hold safety as a priority.

(d) Sam Holland (Director of Migration Matters Festival)

Mr Holland explained that over the last few years, the Leadmill team had helped his organisation to deliver safe and secure events in support of the multi-cultural and diverse communities across Sheffield. He noted his concerns about risks to public safety due to the reported incidents at MVL Properties venues. He added that he would not feel comfortable in encouraging people to attend events at the Leadmill should this application be granted. He believed that it was important to have a safe and welcoming environment for migrants and refugees in cultural and arts buildings and that trust in the venue and in Sheffield City Council would be damaged.

(e) Claire Brown (on behalf of Franz-von Shorter, Sheffield Music School)

Ms Brown noted her concerns relating to reported public safety incidents at other MVL Properties venues. She praised the work carried out by the Leadmill to create a safe space and alternative provision for children and young people, and believed it had brought communities together with the mutual aims of supporting young people and celebrating Sheffield's culture. She hoped that the Leadmill could continue to support communities in this way.

(f) Lucas Watts (Resident of Sheffield)

Mr Watts stated that he would not wish MVL Properties to operate a venue in Sheffield due to reported issues of crime and disorder and public safety at their other venues across the UK.

(g) Rob Unwin (on behalf of Clive Belgeonne, Development Education Centre and

Ethical Property)

Mr Unwin explained that he had been a neighbouring business of the Leadmill since Scotia Works had been refurbished in 2003, and felt that the Leadmill had earned trust in the local community due to their focus on community activities and accessible events for young people. He stated that he had found the operators of the venue to be considerate neighbours in terms of sound checks, managing queues and clearing litter. He noted that the applicant had not consulted with local organisations, some of which ran services for very vulnerable people and children, and he was concerned about the risk of potentially unruly crowds on neighbouring businesses and residents. He believed that the 'shadow' licence was not fit for purpose due to lack of appropriate conditions and should be rejected.

(h) Dr Peter Prowse (Resident of Sheffield)

Dr Prowse explained his background of working within economic regeneration across the UK, and noted the success of the Leadmill as a local business, and praised its crowd, event and security management. He noted his experience of the Leadmill being welcoming to people of all ages.

(i) Matthew Renishaw (Local Business Operator)

Mr Renishaw was concerned that the granting of this application would pose a danger to the area in terms of public safety and disorder, and would destroy a valuable part of Sheffield's culture and local economy. He also felt that the Leadmill was a boost and support to the local economy.

(j) Jo Owens (Resident of Sheffield)

Ms Owens explained that, as a resident who had grown up in Sheffield, she had been a regular visitor to the Leadmill. She added that, if the licence were to be granted, she would have concerns about her children attending the venue due to reported incidents at other MVL Properties venues. She noted further concerns that a 24-hour licence may lead to queuing outside the premises impacting upon neighbouring businesses.

(k) John Coan (Resident from outside Sheffield)

As a regular visitor to the Leadmill, Mr Coan was concerned that the reputation of the Leadmill might be damaged by the granting of the 'shadow' licence, due to the reports of public safety issues at other venues operated by MVL Properties. He noted that he had worked in similar venues, and that he felt the Leadmill to be a safe venue with a reputation for good quality music.

(l) Stephen Blackley (Local Business Operator)

Mr Blackley explained that he was the operator of a business in Sheffield that specialised in government safeguarding and community development, and had experience of carrying out due diligence on many organisations. He noted that

the Leadmill had worked for many years in building up relationships with communities in Sheffield, including engagement with young and vulnerable people. He also noted the nearby residential accommodation, and felt that it would not be appropriate to grant the licence as there was an increased risk of crime due to incidents reported at other MVL Properties venues.

- 4.7 In response to questions from Members of the Sub-Committee and Ms Clover, Licensing Service officers noted that an objection from Sacha Lord had been withdrawn at his request, although this was not done more than 24 hours before the hearing, nor withdrawn orally at the hearing, therefore the objection remained. Officers also confirmed that there had been no complaints or incidents relating to the premises during the last five years, and as such, no reason to amend any of the current licence conditions.
- 4.8 Paddy Whur presented the case on behalf of the Applicant. The application had been made as a 'shadow' licence in the name of the landlord of the premises, which 'mirrored' the licence currently held by the current licensee and tenant of the premises. He noted that the application had been assessed and accepted by the Licensing Service at Sheffield City Council as a valid application, and he recognised that it was the representations received and the strength of feeling from objectors that had resulted in the application being referred to a Licensing Sub-Committee hearing rather than being granted under delegated powers. He explained that a Designated Premises Supervisor would be named and assessed at the appropriate time, once the licence came into operation, and that the Local Authority would be notified before the licence came into force. Mr Whur referred to the evidence in the report relating to social media and 'Google' searches and stated that this was not relevant to the current premises and could not be relied upon in order to reject the application. He added that Mr Madden was a fit and proper person and that he had provided reliable testimonies to that effect, as well as having his existing systems at his other premises checked by Mr Butterworth, an industry specialist.
- 4.9 Dominic Madden gave some background to his career in live events, and explained that he began in the entertainment business over 25 years ago, when he started running a small pub theatre in London. He went on to set up a company that produced West End plays, which led to him purchasing a derelict theatre, which he went on to refurbish as a concert and art space. He had since secured leases on large venues in Brixton, Bristol and Newcastle, and had operated licences in accordance with the licensing objectives and with no intervention from Responsible Authorities. Mr Madden noted the social media reports and reviews relating to the other venues that were contained within Appendix 'C' of the report, and stated that there was no basis of fact to the allegations made. One of the allegations made was that drug dealing had taken place on the premises. Mr Madden explained that an individual had been excluded from the premises by door staff and was subsequently arrested by police who had been passing. In relation to an alleged assault at SWX in Bristol, Mr Madden stated that an individual had been removed from the premises and was later arrested by the police following an incident at a different location in the city. He also referred to an allegation of a sexual assault at SWX, and stated that this had occurred before the business was under his ownership. Mr Madden

explained that there had been an arson attack at the premises causing catastrophic damage. The individual responsible was imprisoned, and the venue was subsequently fully refurbished and re-opened

- 4.10 Darrell Butterworth joined the Sub-Committee hearing remotely, via live video link, to summarise his statement that had been included within the report. He confirmed that he had visited over 2,000 premises across the UK in his capacity as a licensing compliance consultant, the majority of which had been in 'special measures', 'under review' or 'under summary review'. He stated that he would categorise 'MVL Properties' venues as 'good' rather than average or poor. He added that he was satisfied that all three venues were promoting the licensing objectives. He stated that he had not witnessed any of the conduct referred to within the representations of the report. During his visits, he had queried the difference between search policies at the venues, and had been advised that searching requirements would be risk assessed depending on the type of event that was taking place. The risk assessment at Brixton recommended the use of the ID scanner, and the risk assessment at Bristol and Newcastle recommended that thorough searching was not required.
- 4.11 In response to questions from Members of the Sub-Committee and Ms Clover, it was stated by Mr Whur that other 'MVL Properties' venues were regularly inspected and staff worked closely with the Responsible Authorities. Refurbishment of the venues had been carried out to a high standard, and good management practices had been fostered from the outset, which would extend to the Leadmill if the licence were to be granted. It was stated that conversations between the Leadmill Ltd. and community organisations had been limited and had broken down due to the ongoing dispute regarding the ownership of 'the Leadmill', but the intention was to put together a method of operation to ensure that community partnership continued. The Applicant understood that 'the Leadmill' had significant cultural importance as a music venue in Sheffield, and intended to build on this and develop opportunities for vibrancy of the live music circuit. This application was for a 'shadow' licence, and once operational, a variation application would be made to review conditions as appropriate, in consultation with the Responsible Authorities, as well as to likely change the layout of the premises. It was confirmed that an alcohol licence had not been available upon request at one of the venues assessed by Mr Butterworth, and that the risk assessments carried out at the Bristol and Newcastle venues identified that the ID scanners were not required for the events he attended.
- 4.12 Ms Clover summarised the case on behalf of the Leadmill Ltd.
- 4.13 Mr Whur summarised the case on behalf of the Applicant.
- 4.14 Shimla Finch outlined the options available to the Sub-Committee.
- 4.15 The Chair explained that the hearing would conclude to allow Members to seek legal advice, and that the decision of the Sub-Committee would be communicated in due course.
- 4.16 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.

4.17 Malcolm Hope and Samantha Bond reported orally, giving legal advice on various aspects of the application.

4.18 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 application for a premises licence in respect of the premises known as 'The Leadmill', 6-7 Leadmill Road, Sheffield, S1 4SE (Ref. No. 94/23) be granted in the terms requested, subject to the following conditions. Where the conditions below are inconsistent with the imposition of any condition consistent with the operating schedule, the conditions below prevail:-

Environmental Protection Service:

- (1) A written outdoor 'Noise Management Plan' ("NMP") shall be submitted in writing for approval by the EPS. The approved NMP shall include details of suitable arrangements to minimise noise breakout of the building, management of people outside the venue, measures for managing the arrival and departure of customers, including any waiting/queuing system and a solution to manage smokers or vapers outside the premises and the approved NMP shall be applied by the premises. The use of any outside area shall at all times be managed and maintained in accordance with the approved NMP. A copy of the approved NMP shall be retained on site and be made available upon request by the Environmental Protection Service.
- (2) Amplified sound or live music shall only be played within the building and in such a way that noise breakout does not exceed the prevailing ambient noise level by more than 3dB when measured at 1m from the façade of the nearest habitable room:
 - (a) as a 15 minute LAeq; and
 - (b) at any one third octave band centre frequency as a 15 minute LZeq.
- (3) No loudspeakers shall be fixed externally nor directed to broadcast sound outside the building.
- (4) The dispersal of customers from the premises must be managed in accordance with the following:-
 - (a) Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly; and
 - (b) A suitable member of staff and/or door supervisor(s) will be visible at each public entrance/exit to control the dispersal, to

remind people to leave quietly, and to prevent patrons from re-entering the premises.

Health Protection Service:-

- (5) All organisers of events shall be required by the premises licence holder to prepare and implement an Event Management Plan (EMP) to promote the licensing objectives. For events expected to attract 500 persons or more at any one time (including staff, performers and other contractors on site) the Event Management Plan shall be provided to the Licensing Authority, and be made available to Responsible Authorities, not less than 14 days prior to the first day of the event. Any proposed revisions to the EMP shall be notified in writing to the relevant Responsible Authority and Licensing Authority before the master EMP is updated - which shall be as soon as reasonably practicable following the revision.

South Yorkshire Police:

- (6) Door supervisors shall be employed at the premises based upon a risk assessment carried out in relation to the following factors:
- (a) Size of the venue;
 - (b) Expected attendance;
 - (c) Type of event taking place;
 - (d) Location of the premises;
 - (e) Time of year;
 - (f) Special occasion (New Year, Halloween, local events etc.); and
 - (g) Premises licence conditions.

A written log of each risk assessment must be kept and maintained by the premises and made available for inspection and copying upon request by an officer of a Responsible Authority.

- (7) Any door supervisors on duty at the premises must be supplied by a Security Industry Authority Approved Contractor Scheme company.
- (8) The premises will have and implement a written search policy for customers, which will include consideration for use of hand-held electronic search wands where the premises has deemed it appropriate in accordance with but not limited to the following:
- (a) Size of the venue;
 - (b) Expected attendance;
 - (c) Type of event taking place;
 - (d) Location of the premises;
 - (e) Time of year;
 - (f) Special occasion (New Year, Halloween, local events etc.); and
 - (g) Premises licence conditions.

- (9) All persons entering or re-entering the premises must be searched by a Security Industry Authority registered door supervisor and all searches

must be monitored by the premises' CCTV system.

- (10) The premises will acquire a number (to be agreed with South Yorkshire Police) of radio sets and will join the City Centre Retailers Against Crime (CCRAC) Radio Scheme. This will be in use at all times when the premises are trading under this licence, and the premises will continue to be a user of the CCRAC Radio Scheme whilst this system is in use within Sheffield.
- (11) A CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are trading under this licence and open (in line with specification July 2020), in accordance with the following:-
 - (a) The CCTV images will be stored for 31 days and police and authorised officers will be given access to images for purposes in connection with the prevention and detection of crime and disorder, in line with GDPR guidance;
 - (b) Members of the management team will be trained in the use of the system. Documented records of this training shall be kept for each member of the management team and shall be made available for inspection upon request by a police officer or an authorised officer of Sheffield City Council;
 - (c) CCTV systems installed after 2021 should be full digital systems with wide dynamic range IP cameras (WDR); and
 - (d) The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has access to the system, the reason why and when.
- (12) There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS, shall have access. All controlled drugs (or items suspected to be, or containing controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to South Yorkshire Police for appropriate disposal.
- (13) The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.
- (14) Prominent signage must be displayed, at any point of sale and at the entrance to the premises, that the Challenge 25 scheme is in operation.

- (15) A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying upon request by an officer of a Responsible Authority.
- (16) All staff authorised to sell alcohol shall be trained in:-
- (a) Relevant age restrictions in respect of products;
 - (b) Preventing underage sales;
 - (c) Preventing proxy sales;
 - (d) Maintaining the refusals log;
 - (e) Recognising signs of drunkenness and vulnerability;
 - (f) How overservice of alcohol impacts upon the four objectives of the Licensing Act 2003;
 - (g) How to refuse service;
 - (h) The premises' duty of care, understanding and dealing with situations involving vulnerable people, and incidents of harassment; and how to report issues of modern slavery and trafficking;
 - (i) 'Ask for Angela';
 - (j) Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services;
 - (k) The conditions in force under this licence; and
 - (l) Counter terrorism (available on <https://www.protectuk.police.uk/catalogue> or any relevant government approved training following a change in name).
- (17) Documented records of staff training shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Sheffield City Council.
- (18) Drinks may not be removed from the premises in open containers save for consumption in any external area designated for that purpose.
- (19) No customers carrying opened bottles upon entry shall be admitted to premises.
- (20) The use of glass-alternative drinking vessels shall be utilised in accordance with the premises' assessment of risk, taking into consideration the following:-
- (a) Size of the venue;
 - (b) Expected attendance;
 - (c) Type of event taking place;

- (d) Location of the premises;
- (e) Time of year;
- (f) Special occasion (New Year, Halloween, local events etc.); and
- (g) Premises licence conditions.

A written log of each assessment of risk must be kept and maintained by the premises and made available for inspection and copying upon request by an officer of a Responsible Authority.

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

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