

Licensing Sub-Committee

Meeting held 19 June 2023

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

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Vickie Priestley.

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 meetings of the Licensing Sub-Committee (Statutory) held on 9th January, 7th and 21st February, 14th March and 24th April 2023, were approved as correct records.

5. LICENSING ACT 2003 - THE HERD, 5 HOLMHIRST ROAD, SHEFFIELD, S8 0GU

5.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of the premises known as The Herd, 5 Holmhirst Road, Sheffield S8 0GU (Ref No.93/23).

5.2 Present at the meeting were Robert Woolhouse (Applicant), Leigh Schelvis (John Gaunt and Partners, Solicitors - Representing the Applicant), Jayne Gough (Licensing Strategy and Policy Officer), Jack Risely-Boyt (Legal Advisor to the Sub-Committee) and John Turner (Democratic Services).

5.3 Jack Risely-Boyt outlined the procedure which would be followed during the hearing.

5.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that there were unresolved representations from two local residents and the Licensing Service had received a petition containing 16 signatures, objecting to the

application, which were attached at Appendix 'C' to the report. The local residents had been invited to attend the meeting, but were unable to attend. Ms Gough added that a number of conditions put forward by the Environmental Protection Service (EPS) and South Yorkshire Police (SYP) had been agreed with the applicants prior to the hearing.

- 5.5 Leigh Schelvis, on behalf of the applicants, stated that the premises had been operating as The Herd since January, 2023, and that the applicants now wanted to expand the business by including the sale of alcohol and providing regulated entertainment. The applicants wanted to provide a community space, and offer employment opportunities to the local community. The venue was currently operating as a coffee shop, selling hot and cold beverages, cakes and sandwiches, and the plan was to expand this offer to include craft beers, wines, spritzers and cocktails, as well as having live music. The proposed new opening hours would be 09:00 to 23:30 hours, Monday to Sunday. The applicants also wished to provide late night refreshments, between the hours of 23:00 and 23:30. The applicants believed the conditions in the Operating Schedule, together with the further conditions agreed with the EPS and SYP, would help promote the licensing objectives. Mr Schelvis referred specifically to the constructive dialogue between the EPS, SYP and the applicants, which had resulted in the agreement of further conditions, which were set out in the report.
- 5.6 Mr Schelvis stated that, whilst the applicants had limited experience of working in the hospitality sector, they would be employing a Designated Premises Supervisor, who had over ten years' experience in the sector. Regarding the offer of live entertainment, Mr Schelvis stressed that this would comprise acoustic music, and provide a platform for local artists to perform. The premises aimed to be family friendly, and continue to attract adults and their children. Mr Schelvis referred to the relevant legislation to be considered as part of the application, then went on to respond to the representations made. He initially emphasised the fact that there were no live objections from any of the responsible authorities, then referred to the two local resident objections and the petition received from local residents. Mr Schelvis made specific reference to an allegation made by one local resident, who claimed alcohol had been sold from the premises in July 2022, indicating that the premises, at that time, comprised a furniture store and storage facility, and that there had been no Temporary Event Notices (TEN) applied for at that time. The applicants had applied for a TEN when operating as The Herd, in March, 2023, when holding an event as part of Woodseats Live, a local community festival, which event had taken place without any issues or concerns.
- 5.7 Mr Schelvis stated that, whilst the Council did not have a cumulative impact policy, this would not stop the Council looking into any issues or concerns raised with regard to the operation of the premises. The applicants, however, do not believe there would be any problems, particularly given the conditions in the Operating Schedule, and the further conditions agreed with the EPS and SYP. In terms of noise nuisance and litter, an officer from the EPS had visited the premises in May, 2023, and had not raised any specific concerns. With regard to parking and criminal behaviour, Mr Schelvis stated that whilst the applicants had a responsibility in terms of the operation of the premises, they were not responsible for taking any action, and that this would be managed by the Authority and the

police. He stressed that there was no evidence of any drug dealing at the premises and, in terms of the protection of children, the premises would be family friendly. Staff would be trained in under-age sales and the premises would operate a Challenge 21 Scheme.

- 5.8 Mr Woolhouse stated that they currently held a mother and toddler group on Wednesday mornings, where board games were available for the children, and which they planned to carry on. He stressed that they don't want to be perceived as a music venue, but more of a family-friendly establishment.
- 5.9 In response to questions raised by Members of the Sub-Committee, Mr Schelvis confirmed the hours of operation in terms of the late-night refreshment as 23:00 to 23:30 hours, Monday to Sunday. The premises currently opened between 08:00 and 16:00 hours and, in terms of staffing, it was planned that there would be a total of 14 staff, working on a rota basis. Around 85 people attended the premises during the Woodseats Live event, which had been held over two days, and organised by a third party. It was stressed that there would be no large-scale music events at the premises. The mezzanine floor, as shown on the plans in the report, was used as a stage for performers, and was only accessible to performers and staff. The plan was to continue hosting the weekly mother and toddler group sessions in the morning, then open up the bar for people wanting alcohol later on in the day. In terms of engagement with the local community, it was planned that the new members of staff would be recruited from the Woodseats area, and the applicants would continue hosting the weekly mother and toddler group sessions, as well as being part of any future Woodseats Live events. The applicants would also be prominent on social media, advertising the various events to be held at the premises. Mr Woolhouse referred to the "Only Woodseats" facebook group, which they were members of, and on which they had been positively received by local residents in terms of the operation to date. He also referred to the upcoming Woodseats Festival, which they planned to be involved in.
- 5.10 The applicants would provide a telephone number for residents to call if they have any concerns about noise nuisance linked to the premises. They would also offer an open door policy whereby residents could call to the premises to raise or discuss any concerns in this regard. During the Woodseats Live event, customers were asked not to take their drinks outside if they wanted to go for a smoke or a vape. There would be designated external areas for smokers and vapers, but the applicants will be initially asking that no drinks are taken outside, and monitor this to see how it goes. This would hopefully help to keep noise nuisance to a minimum. At present, there wasn't a large enough external area for customers to sit outside with their drinks, but this is something the applicants may consider in the future.
- 5.11 Leigh Schelvis summed up the case on behalf of the applicants.
- 5.12 Jayne Gough outlined the options available to the Sub-Committee.
- 5.13 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting, and the webcast be paused, 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.

- 5.14 Jack Risely-Boyt reported orally, giving legal advice on various aspects of the application.
- 5.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees, and the webcast was recommenced.
- 5.16 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, in respect of the premises known as The Herd, 5 Holmhirst Road, Sheffield S8 0GU (Ref. No. 93/23), the Sub-Committee agrees to grant the premises licence in the terms requested, and subject to:-
- (a) the conditions agreed with the Environmental Protection Service and South Yorkshire Police prior to the hearing, as follows:-
1. The use of door staff will be risk assessed by the license holder, premises supervisor or member of the management team. Where engaged, door staff shall be licensed by the Security Industry Authority;
 2. The use of glass alternative drinking vessels will be risk assessed by the license holder, premises supervisor or member of the management team;
 3. A CCTV system will be fitted, maintained and in use at all times licensable activities are being undertaken. The CCTV images will be stored for 28 days (except where such retention cannot be achieved due to reasonable periods of maintenance or repair) and made available to the police within a reasonable time upon a reasonable request made in connection with the prevention and detection of crime and disorder, in line with data protection legislation. Members of the management team will be trained in the use of the system;
 4. Staff authorised to sell alcohol will receive training regarding vulnerability awareness. Staff authorised to sell alcohol will receive suitable training in crime scene preservation. Staff authorised to sell alcohol shall complete suitable refresher training once per calendar year, commencing the year after their date of their employment. A written record of the staff training outlined in this condition shall be maintained and shall be made available to the police and/or Licensing Authority upon reasonable request;
 5. A Challenge 25 scheme must operate including a refusals log and relevant signage;
 6. If deemed reasonably necessary by Sheffield EPS, upon receipt of written notification of not less than 28 days from Sheffield EPS,

resulting from noise complaints to that service, the premises shall install a noise limiter to control noise breakout from the premises. Amplified sound shall then only be played within the building through an in-house amplified sound system fitted with a sound limiting facility capable of limiting the sound level output of the system to a pre-set level which may then be secured in a tamper-resistant manner, the design and settings of which shall have received the prior written approval of the EPS. The limiter shall impose such limits on amplified sound or live music played within the building to ensure noise breakout does not exceed the prevailing ambient noise level by more than 2dB when measured at 1m from the facade of the nearest noise sensitive property:-

- a. as a 15 minute LAeq, and;
 - b. at any one third octave band centre frequency as a 15 minute LZeq;
7. The premises shall be restricted to no more than four performances of regulated live/recorded music per calendar month, unless written consent is received from the Sheffield EPS for additional performances, prior to said performance(s);
 8. Any external seating area shall only be used for the consumption of food and drink between 09:00hrs and 21:00hrs on any day of the week; and
 9. No loudspeakers shall be fixed externally nor directed to broadcast sound outside the building at any time; and
- (b) the applicant shall be required to advertise a telephone number on the premises and/or on social media, so residents can report any concerns of noise nuisance linked to the premises.

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

6. JOHN TURNER, COMMITTEE SECRETARY

- 6.1 The Chair reported that John Turner was attending his final meeting of the Sub-Committee, as Committee Secretary, after 40 years' service with the City Council, and having been Secretary to the Sub-Committee for the last 15 years.
- 6.2 RESOLVED: That the thanks of the Sub-Committee be conveyed to Mr Turner for the excellent work undertaken by him, in his capacity as Secretary to the Sub-Committee, during the last 15 years.

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