

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 10 December 2013

PRESENT: Councillors Clive Skelton (Chair), Adam Hurst and Denise Reaney

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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 public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - VIPER ROOMS, 35 CARVER STREET, SHEFFIELD, S1 4FS

4.1 The Chief Licensing Officer submitted a report to consider an application to vary a premises licence, made under Section 34 of the Licensing Act 2003, in respect of the premises known as Viper Rooms, 35 Carver Street, Sheffield, S1 4FS.

4.2 Present at the meeting were Paddy Whur (Solicitor, for the applicant), Ian Harries (Area Manager, Viper Rooms), David Burgess (Designated Premises Supervisor, Viper Rooms), Councillor Rob Murphy (Objectors), John Buston (Objector), Matt Proctor (Senior Licensing Officer), Kavita Ladva (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Kavita Ladva outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from 14 local residents, which included a petition containing 13 signatures, and were attached at Appendix 'D' to the report and that the representations submitted by the Environmental Protection Service had been withdrawn following the acceptance of a number of suggested conditions by the applicant. Two members of the public attended the hearing to put forward their representations, one of whom was the organiser of the petition.

4.5 Councillor Murphy stated that the premises were close to approximately 100 residential properties in the City Centre, including the Housing Association flats at Cambridge Street, which were only around 25 yards away, and the residential apartment blocks at Morton Works and West Point on West Street, approximately 100 yards away. He expressed concern at the fact that residents living in this area already experience problems with regard to noise nuisance and anti-social

behaviour from a number of nearby licensed premises, such as Crystal, Walkabout and Reflex/Flares. He believed that none of these premises opened later than 4.00 am at weekends, which gave residents the chance to get few hours' unbroken sleep, but if the application to extend the opening hours of the Viper Rooms was granted, this could potentially result in some residents not being able to get any sleep at all. Even if the music at the premises was contained, the residents would still suffer noise nuisance from customers arriving at and leaving the premises in the late hours of the morning, as well as the noise from taxis.

- 4.6 In response to a question from a Member of the Sub-Committee, Matt Proctor confirmed that there was a taxi rank on Carver Street, directly opposite the premises. Mr Murphy stated that whilst this would obviously help in terms of the dispersal of customers from the premises, there would also be an element of noise caused by taxi movements and doors slamming in the late hours of the morning.
- 4.7 John Buston, the organiser of the petition which had been submitted in objection to the application, referred to the concerns of a number of residents of Cambridge Court, and which referred to problems of noise nuisance on Carver Street, and people urinating and being sick outside the flats and in the entrance area to the flats. Mr Buston expressed his own concerns, regarding the increase in noise and anti-social behaviour in the City Centre area. He referred to problems of rowdy and drunken behaviour, increased noise levels due to taxi movements, problems of rubbish from fast food takeaways on the streets and problems of vandalism, specifically broken windows to a number of shops in the surrounding area. He stated that the problems appeared to get worse when the students were around and that if the opening hours were extended, this would result in customers leaving the premises even later, thereby creating disturbance for local residents later into the morning.
- 4.8 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Buston stated that whilst he could not provide any direct evidence to show that it was customers from the premises that were creating the disturbance, he was aware that customers were leaving the premises in the early hours of the morning to go to other venues, such as the Leadmill, which stayed open later, creating noise and other disturbance which was having an adverse effect on local residents. He confirmed that he had not contacted the Police to complain about the problems as he believed that by the time the Police arrived, the people causing the disturbance would more than likely have moved on, and there would be no evidence for the Police to act on. Mr Buston accepted, following advice from a Member of the Committee, that it would help his cause if he rang the '101' number as the Police would then be able to create a log of any incidents and, if the problems were particularly bad, they would be able to concentrate their resources in that area.
- 4.9 Paddy Whur stated that the applicants had purchased the premises in September 2011, and had invested a considerable amount of money in upgrading the premises, which were in a poor condition at the time. He stated that the application only referred to the basement of the premises, which had a capacity of 300. It was accepted that there had been problems in the past when customers queued at both the front and rear of the premises, but adaptations had been made to secure the

rear of the premises, resulting in there now only being one point of access and egress. Mr Whur confirmed that following negotiations with the Environmental Protection Service, the applicants had agreed to amend the application, as detailed in Appendix 'C' to the report. The applicants had made a similar application in April 2012, but as the premises had only recently opened at that time, it had been suggested that there was a need for a probationary period in order to review the operation of the premises. The applicants had made nine applications for Temporary Events Notices (TENs) during 2013, which had not resulted in any problems or any concerns being raised by any of the responsible authorities, including any issues of crime or disorder from the Police. Mr Whur gave his assurances, on behalf of the applicants, that the measures taken to deal with any potential problems of noise emanation, as set out in Condition 2 of Annexe 2 – Conditions consistent with the operating schedule, would adhere with the licensing objectives. The applicants had requested that the time in respect of the last admission be extended from 03:00 hours to 04:00 hours for Thursdays, Fridays, Saturdays and Sundays before Bank Holiday Mondays. In terms of the objections raised by members of the public, Mr Whur stated that only 14 objections had been received from hundreds of residents living in the surrounding area and that the objectors present at the hearing had only provided hearsay evidence in terms of the likely adverse effects if the opening hours were to be extended. In addition to this, the objectors were not able to prove that any disturbances or incidents of anti-social behaviour were directly attributed to the premises. After the hearing in April 2012, the applicants had offered to meet with Mr Buston, in order to discuss any concerns, but had received no response to the invite. No objections or complaints had been received in terms of the operation of the premises since that time, including the events held under the TENs. The staff at the premises worked very hard to ensure that customers were dispersed from the premises as quickly and quietly as possible, in order to minimise any disruption to local residents. It was envisaged that extending the last admission time at weekends would not have a major effect on noise problems in the City Centre. Mr Whur concluded by referring to the Secretary of State's guidance, which referred to the fact that individuals were accountable for incidents of anti-social behaviour, and not the licensed premises.

- 4.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee and the objectors, Mr Whur stated that if customers were struggling from the effects of alcohol, particularly in the period just prior to closing time, they would be offered a hot or cold soft drink, as well as something to eat before they left the premises. The outdoor smoking area was supervised by stewards, who had the relevant expertise and knowledge in managing such areas. The events held as part of the TENs had been held on Thursdays, Fridays, Saturdays and Sundays prior to a Bank Holiday Monday, and the premises had been open until 06:00 hours. As part of the existing conditions, each entrance to the premises was monitored by at least one member of door staff from 21:00 hours on any day the premises remained open after 01:00 hours. Additional stewards would also be responsible for monitoring the outside smoking area and both the internal and external areas of the premises. It was hoped and expected that, if the opening hours were extended in line with the current application, customers would remain in the premises up to closing time. It was important for the viability of the premises that large numbers of people remained in the venue, particularly when there were special events organised by external promoters. The improvements made at the

premises, which had resulted in a reduction of complaints specific to the premises, included securing the former entrance at the rear and, in terms of operational improvements, staff had been reminded of their duties, and had received training in connection with the general operation of the premises, including its dispersal procedures. Mr Whur stated that it was not likely that there would be queues of people waiting to enter the premises at 04:00 hours as the majority of customers would already be in the premises, particularly at the big events. It had been decided that the application in terms of the extension of the opening hours would only relate to the basement area of the premises as opening the whole of the premises until 06:00 hours as this was considered too much as it would involve a capacity of 650 people and would cause particular problems in terms of dispersal at closing time. In terms of the extension of the last admission time on Thursday, Friday and Saturday, it was expected that staff would be able to manage the premises adequately in this respect.

- 4.11 Paddy Whur summarised the case on behalf of the applicants.
- 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 Kavita Ladva 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 the Sub-Committee agrees to grant a variation to the premises licence in respect of the Viper Rooms, 35 Carver Street, Sheffield, S1 4FS, in the terms requested and subject to:-
- (a) the conditions agreed between the applicants and the Environmental Protection Service, as detailed in the report; and
 - (b) the amendments to Annexe 3 – Conditions attached after a hearing by the Licensing Authority, as follows:-
 - (i) Condition 17 – Each entrance to the premises will be monitored by at least one member of door staff from 21:00 hours on any day the premises remains open after 01:00 hours and be needs assessed on an event by event basis; and
 - (ii) Condition 18 – No entry to the premises after 04:00 hours for Thursdays, Fridays, Saturdays and Sundays before Bank Holidays.

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