

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 27 June 2017

**PRESENT:** Councillors David Barker (Chair), Neale Gibson and Adam Hurst

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#### **1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 5 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. LICENSING ACT 2003 - THE BLOOMERY, NILE STREET, SHEFFIELD, S10 2PQ**

4.1 The Chief Licensing Officer submitted a report to consider an application made under Section 34 of the Licensing Act 2003, to vary a Premises Licence in respect of the premises known as The Bloomery, Nile Street, Sheffield, S10 2PQ.

4.2 Present at the meeting were Suraj Desor (Popleston Allen, Solicitors for the Applicant), Grace Baxter (Designated Premises Supervisor), Sam Bouzida (Designated Premises Supervisor at The Graduate – Lead General Manager, Stonegate Pub Company Limited, for Sheffield), Craig Harper (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Craig Harper presented the report to the Sub-Committee, and it was noted that representations had been received from a member of the public, and were attached at Appendix 'C' to the report. The member of the public had been invited to the meeting, but was not present.

4.5 Suraj Desor referred to the nature of the proposed variation, the key element being the extension of the opening hours to allow the

premises to close at 00:30 hours on Sunday. He stated that the main purpose of the extension was to allow customers to continue their night in a safe and comfortable environment, rather than have to leave and find another premise. It would also result in customers dispersing the premises more gradually, thereby reducing the potential for noise nuisance late at night. He referred to the fact that there had been no formal complaints of noise nuisance in respect of the premises, and that none of the responsible authorities had submitted representations in connection with the application. Mr Desor referred to the other elements of the application, which included the extension of the start time for opening hours and films from 07:00 hours, Monday to Sunday, the removal of obsolete conditions and the amendment of one condition on the Premises Licence, and the amendment, and addition of, additional non-standard timings on notable days, indicating that none of these changes would have an adverse impact on the licensing objectives. Reference was made to the information which had been circulated prior to the hearing, and which included general information on the Stonegate Pub Company, together with details of the Company's Noise Management and Outside Areas Policies. Mr Desor stated that the Company had invested a considerable amount of time and money in the application, specifically with regard to staff training, and made the point that there had not been any reviews of the Company's Premises Licences following applications to vary the Licences with regard to the other nine premises it managed in Sheffield. The Company's nine other premises in Sheffield all operated with similar, or later opening hours on Sunday, therefore the Company had considerable experience of managing later opening hours. In terms of the representations, Mr Desor stated that there was a level of misunderstanding in the comments made, and that the applicants would have liked an opportunity to speak to residents in connection with their concerns. There were a number of residents who, although they lived closer to the premises than the resident who had objected, had not raised any concerns. The applicants indicated that they would be happy to close the outer doors on Sunday if there were problems with noise breakout.

- 4.6 In response to questions from members of the Sub-Committee, Mr Desor stated that, in connection with the allegations made by the member of the public regarding noise nuisance at the premises on 26<sup>th</sup> May 2017, the applicants had not been made aware of any specific concerns regarding noise nuisance and, in any event, the licensing conditions would have been complied with. Some of Stonegate's public houses were situated close to residential properties, but it was accepted that The Bloomery was closest to residential properties than any other of their pubs. The applicants believed that, as the premises were already open on weekdays, at the same times as now proposed on Sunday, they didn't envisage any problems in terms of noise nuisance created by customers leaving the premises on Sunday. The applicants had not received any complaints direct to the premises or through the Environmental Health Service with regard to noise

nuisance. The inner doors were always kept shut, except for access and egress. The reason for making the application to vary the opening hours on Sunday was that there was evidence that some customers would like extended opening hours on this day, and that this would also assist with the gradual dispersal of customers, thereby lessening the potential for noise nuisance. Deliveries to the premises were made between 10:00 and 12:00 hours, and the premises currently opened at 11:00 hours. It was not envisaged that, on the basis of Stonegate Pub Company Limited being a well-experienced licensed operator, opening at 07:00 hours on Sunday would create any additional problems for local residents. The main reason for extending the opening hours on Sunday was simply to bring the times in line with the weekdays. The clientele at the premises comprised local residents, students and people from other areas. If the applicants received any complaints of noise nuisance, they would liaise with the complainant, and address any concerns in line with the Company policy. In terms of pro-active co-operation with the local community, management of the premises regularly liaised with Sheffield Pubwatch and supported local community groups by providing facilities for local clubs and teams.

- 4.7 Suraj Desor summarised the case on behalf of the applicants.
- 4.8 Craig Harper reported on the options open to the Sub-Committee.
- 4.9 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.
- 4.10 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.12 RESOLVED: That the Sub-Committee agrees to grant a variation to the Premises Licence in respect of The Bloomery, Nile Street, Sheffield, S10 2PQ, in the terms requested and subject to the addition of the following condition:-

“The front doors to the premises shall remain closed, save for access and egress, after 23:00 hours on a Sunday, when regulated entertainment in the form of amplified live, or recorded, music, is taking place on the premises.”

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

**5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

- 5.1 The Chief Licensing Officer submitted details in respect of two cases relating to hackney carriage and private hire licensing.
- 5.2 The applicant in Case No. 76/17 attended the meeting with a representative and a business colleague, and they all addressed the Sub-Committee.
- 5.3 The applicant in Case No. 77/17 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 5.4 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
76/17	Application for the grant of a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the term requested on the grounds that the Sub-Committee considers the applicant to be a fit and proper person and (b) in connection with the conviction now reported, if there are any further problems, the licence be referred back to the Sub-Committee.
77/17	Application for the renewal of a Private Hire Vehicle Licence	Agree to grant a licence up to 25th March, 2018, on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy relating to the age limit of vehicles.