

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 29 June 2017

**PRESENT:** Councillors Josie Paszek (Chair), Jack Clarkson and Kieran Harpham

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

- 1.1 No apologies for absence were received. Councillor Cliff Woodcraft attended as a reserve Member, but was not required to stay.

#### **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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STATIC STREET TRADING CONSENT**

- 4.1 An application for the variation of a Static Street Trading consent to trade at Peace Gardens, Sheffield (Ref.No.53/17) had been received and subsequently withdrawn from consideration as the objection to the application had been resolved after the agenda for the meeting had been published.

#### **5. SCRAP METAL DEALERS ACT 2013 - APPLICATION FOR A SCRAP METAL COLLECTORS LICENCE**

- 5.1 An application for the grant of a Scrap Metal Collectors Licence had been received and, following discussion, Members decided that the item be deferred to give the applicant a further opportunity to attend the hearing (Ref. No.78/17).

#### **6. LICENSING ACT 2003 - DAM HOUSE, MUSHROOM LANE, SHEFFIELD S3 7NZ - OBJECTION TO A TEMPORARY EVENT NOTICE**

- 6.1 The Chief Licensing Officer submitted a report to consider an objection to a Temporary Event Notice, made under Section 104(2) of the Licensing Act 2003, as amended, for the premises known as Dam House, Mushroom Lane, Sheffield S3 7NZ (Ref. No.80/17).

- 6.2 Present at the meeting were Neal Pates (Environmental Protection Officer), Marc Wagstaff (Promoter), Kamal Sangha (Co-Owner, Dam House), Harminder Bains

(Co-Owner, Dam House), Simsan Badh (Partner, Dam House), Clive Stephenson (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), Samantha Bond (Legal Services) and Jennie Skiba (Democratic Services).

- 6.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 6.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that a notice of objection to the Temporary Event Notice had been submitted by the Environmental Protection Service (EPS) on 23<sup>rd</sup> June, 2017, and was attached at Appendix 'B' to the report.
- 6.5 Neal Pates stated that there was a potential for noise nuisance following several complaints from local residents in previous years. He said that under normal operation, no complaints had been received but the problem arose when music was played outdoors. Neal Pates outlined a history of complaints received and stated that last year a significant number of complaints had been received from residents of Harcourt Road. He referred in particular to an incident in August, 2016, when following several complaints, the music was monitored and found to be at, or close to, the pre-determined noise level. Neal Pates also asked for clarity from the applicants regarding the hours which had been applied for.
- 6.6 Marc Wagstaff stated that it was planned to hold the music event on Saturday, 22<sup>nd</sup> July, which coincided with the Tramlines event. He said that it was planned to drop the music level at 9.00 p.m. and switch it off altogether at 10.00 p.m. as it was felt that, by having a gradual reduction in music this lends to better dispersal of people leaving the premises, thereby reducing noise created by people leaving in large groups. He added that over the years, the owners had always worked with officers from the Council to ensure that the noise was kept down and had looked at a number of different sound systems, and moved speakers to different areas so that the music didn't bounce off buildings. Mr. Wagstaff further stated that the noise nuisance could emanate from Ponderosa but with the resultant complaints directed at Dam House.
- 6.7 In response to questions from Members of the Sub-Committee, Marc Wagstaff stated that local residents were to be leafleted informing them that Dam House would be part of the Tramlines Festival and what the event would be. He circulated the proposed leaflet which gave a dedicated phone number so that if any issues did arise, they could contact the restaurant. Kamal Sangha, co-owner of the premises, added that noise level readings had been taken in the surrounding area, from the top to the bottom of the banking surrounding the premises. Marc Wagstaff stated that the event was to be advertised as a free event, attendees would be wrist-banded and numbers would be monitored, and the event would match Tramlines hours and finish at 10.00 p.m. He finished by saying that every effort would be taken to minimise complaints from local residents.
- 6.8 Clive Stephenson outlined the options open to the Sub-Committee in relation to the objection.

- 6.9 RESOLVED: That the public and press and attendees involved in the hearing 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.
- 6.10 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the case.
- 6.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.12 RESOLVED: That the Sub-Committee agrees to acknowledge the Temporary Event Notice, allowing the event to go ahead on 22<sup>nd</sup> July, 2017, subject to the amendments to the application as follows:-
- (a) 10:00 to 00:00 on Saturday 22<sup>nd</sup> June 2017 and 00:00 to 02:00 on Sunday 23<sup>rd</sup> June 2017 and the use of the outdoor area for regulated entertainment will cease at 23:00 hours; and
  - (b) 10:00 to 23:00 on Sunday 23<sup>rd</sup> June and the use of the outdoor area for regulated entertainment will cease at 21:00 hours.