

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 12 October 2020

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

PRESENT: Councillors Karen McGowan (Chair), Joe Otten and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. 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 - 44 GARDEN STREET, SHEFFIELD, S1 4BJ

4.1 The Chief Licensing Officer submitted a report on 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 44 Garden Street, Sheffield, S1 4BJ (Ref No. 62/20).

4.2 Present at the meeting were Mark Simmonite (Applicant), Elaine Cresswell (Health Protection Service, Objector), Claire Bower (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 Claire Bower presented the report to the Sub-Committee, and it was noted that representations had been received from the Health Protection Service and were set out at Appendix 'B' to the report. It was also reported that during the consultation, the applicant had agreed a number of conditions with the Environmental Protection Service, which were attached at Appendix 'C' to the report.

4.5 Elaine Cresswell reported that when reviewing licence applications,

the Health Protection Service would consider all aspects of public safety, and the number of different activities planned on the premises, as listed on the application, had given grounds for concern. She referred to the plan in the report, and to the different activities on the ground and first floors, and the external area. She stressed that there was only one door for access and egress, which raised specific health and safety concerns regarding fire safety. The Health Protection Service had discussed this issue with the Fire Service who had determined, based on the ability to safely evacuate the premises, capacities for the ground floor at 100, the first floor at 60 and the external area at 200. Ms Cresswell referred to the microbrewery on the site, and following advice from the Service, the applicant had agreed to erect a barrier to prevent the possibility of customers getting hurt by falling beer barrels. She suggested conditions regarding the movement of vehicles and beer barrels when the premises were opened to the public, and regarding the requirement to submit a Building Control Completion Certificate, to which the applicant had not yet agreed. Ms Cresswell stated that one of the main issues regarding the internal layout of the premises was the number of toilets, indicating that, at present, there were two female toilets and one male toilet, together with two urinals and one disabled toilet. She referred to the guidance circulated prior to the hearing, on the provision of toilet facilities, in relation to the capacity of licenced premises, together with the Health Protection Service's code of practice for licenced premises, which included a section on toilet provision. Based on this information, Ms Cresswell stated that there should be five female toilets and two male toilets, together with two urinals. The current lack of provision could cause further problems, including customers queuing in the main bar area, and could potentially cause frustration whereby customers were having to queue longer, which could possibly result in conflict. Ms Cresswell concluded by referring to the Service's concerns regarding the lack of detailed provision in connection with the proposed use of the external area, and suggested a further condition on the premises licence, requesting the applicant to undertake risk assessments of all events planned for this area, and which would include licensable activities, and where such events were likely to exceed the agreed capacity of 200.

- 4.6 In response to questions from Members of the Sub-Committee, it was stated that if the premises reached full capacity of 360, based on the guidance referred to, there should be a requirement for nine female toilets and three male toilets, together with three urinals. The Service had discussed the suggested conditions with the applicant, and whilst he had agreed to them in principle, there had been no formal acceptance.
- 4.7 Mark Simmonite stated that he had spoken to the Council's Building Control Service, as well as seeking advice from a private company, informing them of his plans, which included the removal of a false ceiling, plasterboarding partition walls and decorating. Based on this

level of work, and the advice he had received, he did not believe that the submission of a Building Control Completion Certificate would be necessary. He added that he had agreed with the advice provided by the Service regarding the beer barrels and the fire regulations. Mr Simmonite stated that whilst he had no definite plans to hold the activities on the premises licence he had ticked them on the application form just in case, to save time and money in having to apply for a variation to the licence in future. He confirmed that he was happy with the capacity of 360, as suggested by the Health Protection Service and Fire Service, and added that he was in agreement on all the suggestions made, apart from the toilets. He stated that, with all his experience in the licencing trade, and all the research he had undertaken, there was no firm guidance on either the Council or Government websites, regarding the provision of toilet facilities, and that the British Standards referred to were only guidance. He had requested information from the Health Protection Service on the number of toilets in all licenced drinking establishments in the City, together with details of their capacities, but had not received this. He believed he was being treated unfairly in this regard, and provided his version of what the toilet provision should be, based on the capacity of the premises.

- 4.8 In response to questions raised by Members of the Sub-Committee, Mr Simmonite stated that the premises were the former offices of the Council's Car Parking Services. There were no plans to hold any activities where there would be an interval, or would finish at a certain time, which would result a big demand for use of the toilets. He simply wanted the flexibility to use the external area to hold events that fitted in with his company's ethos, such as beer festivals. He was also happy to hire porta loos at those times such events would result in the premises reaching its full capacity of 360. Mr Simmonite stated that he was more than happy with the capacities as recommended by the Fire Service.
- 4.9 Mr Simmonite summarised his case, indicating that he had worked in the licensing trade for 37 years, and had always accepted the advice of the responsible authorities.
- 4.10 Claire Bower outlined the options available to the Sub-Committee.
- 4.11 **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.
- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.

4.13 RESOLVED: That, in the light of the information contained in the report now submitted, and the additional information circulated prior to the hearing, together with the representations now made and the responses to the questions raised, approval be given for the grant of a premises licence in respect of the premises known as 44 Garden Street, Sheffield, S1 4BJ (Ref No. 62/ 20), subject to:-

(a) the conditions agreed with the Environmental Protection Service prior to the hearing, as follows:-

- (i) the application for regulated entertainment should be amended so the terminal hour outdoors is 22:00 hours;
- (ii) no amplified sound shall be played on the premises, except through an in-house amplified sound system fitted with a sound limiter, the design and settings of which shall have received the prior approval of the Environmental Protection Service;
- (iii) outdoor amplified music shall cease at 22:00 hours on all days of the week;
- (iv) the use of the outside area shall be in accordance with measures detailed in the Noise Management Plan; and
- (v) a 'Noise Management Plan' shall be submitted and approved in writing by the Environmental Protection Service. The approved Plan shall include details of suitable arrangements to control amplified sound, management of people outside the venue, details measures for managing arrivals and departures, including any waiting/queueing system and a solution to manage smokers. The use shall, at all times, be managed and maintained in accordance with the approved Plan. A copy of the approved Plan shall be retained on site and be made available upon request by the Environmental Protection Service; and

(b) the additional conditions, as follows:-

- (i) the movement of vehicles and barrels during bar opening hours are to be risk assessed, and customers separated from any moving/lifting activities; and
- (ii) a risk assessment, focussed on toilet provision, must be undertaken for events involving licensable activities and/or regulated entertainment taking place in the yard identified on the plan, and submitted to the Health Protection Service where attendees exceed the premises agreed capacity, at least 14 days prior to the

event.

(NOTE: The decision will be relayed to all interested parties following the meeting, and the full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)