

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 30 July 2019

PRESENT: Councillors Andy Bainbridge (Chair), Adam Hurst and Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

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 - BASSBOX, 39 SNIG HILL, SHEFFIELD, S3 8NA

4.1 The Chief Licensing Officer submitted a report to consider an application made by the Environmental Protection Service, under Section 51 of the Licensing Act 2003, for a review of a Premises Licence in relation to Bassbox, 39 Snig Hill, Sheffield S3 8NA (Ref No. 75/19).

4.2 Present at the meeting were Neal Pates and Dominic Stokes (Environmental Protection Service, Sheffield City Council), Anthony Connon, Assistant Manager and Sasha Lassu, Designated Premises Supervisor and Manager (Bassbox), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing.

4.4 Clive Stephenson presented the report to the Sub-Committee, and it had been noted that representations had been received from 10 local residents, and were attached at Appendix 'D' to the report.

4.5 Neal Pates stated that the reason for bringing this application was that the premises was a nightclub predominantly playing bass music until 0300 a.m. to 0400 a.m. and a number of complaints had been received from residents in adjoining and neighbouring properties, and also businesses in the area. He further stated that the Environmental Protection Service (EPS) had made repeated attempts to contact the Designated Premises Supervisor (DPS) to engage with her and her former partner in an attempt to support and assist in improving the physical and operational controls over noise breakout and transmission of noise. Mr. Pates gave a brief outline of the case, stating that four

complaints about noise had been received before the premises opened for business back in October, 2018. Following several visits made by the Night Time Enforcement Team (NTET) to the adjoining premises, who had witnessed noise and vibration nuisance from inside residents' bedrooms, the EPS served an Abatement Notice on the premises in November, 2018, and by the end of 2018, a further nine complaints had been received by the EPS. During the visits by the NTET, officers had to resort to contacting the DPS with a request that the music be turned down and that people in the external areas of the club be requested to reduce the noise level. It was noted that a response from the DPS was delayed and the noise levels were not reduced for over an hour. Mr. Pates said that delays had occurred over the installation and setting of a noise limiter, taking several months for access to be gained for such installation. It had been found that three speakers which were attached to the bar area were problematic and the DPS had been requested to remove these. On a later visit, it was found that only two out of the three speakers had been removed. The noise nuisance was due to the breakout of airborne sound and flanking transmission of structure borne noise and vibration, which was difficult to resolve where high levels of low frequency, such as bass music, was concerned. Advice was given and a noise management plan drawn up but this was not carried out. Mr. Pates had found the management arrangements at the club to be confusing. The role of the owner, the DPS and the Personal Licence Holder (PLH) had never been very clear and it was difficult to know exactly who to contact with regard to the reported nuisances.

- 4.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, and from the DPS, Neal Pates said that nuisance had been determined by a combination of the number of visits to residents and businesses following complaints, equipment to detect the source level inside the nightclub and expert opinion of the NTET. Mr Pates had been informed that often there were visiting DJs at the club and these had been blamed for turning up the volume of the music, saying that the existing levels were too low. The EPS has been trying to engage with the management and DPS of the premises since October, 2018 and has a record of 500 emails sent to them in an attempt to resolve the nuisance issues. When asked if decibel readings had been taken, Dominic Stokes said that they had but the readings just ascertain at what level the limiter inside the club is set at, and do not reflect the nuisance caused.
- 4.7 Sasha Lassu stated that she has invested everything she has into the club and feels that there was a vendetta against her in an attempt to close the premises. Ms. Lassu said that, in her opinion, the staff of the EPS had always been disrespectful towards her and had made it difficult for her to work with them to resolve the issues. She further stated that she had had a sound limiter installed and it had been set at the required level. Also, when asked to remove the speakers attached to the bar, she had done so. In an attempt to prevent noise breakout from inside the club, she said that she had obtained quotes for works to be carried out to box off the air vents, soundproof the club and set the speakers on rubber to reduce the noise. Ms. Lassu said that she had always complied with the NTET when they had visited the premises.
- 4.8 In response to questions from Members of, and the Solicitor to, the Sub-Committee, and from officers from the EPS, Sasha Lassu said she felt she had

co-operated with the EPS by installing the sound limiter and setting it at the required level. She felt that the Abatement Notice had been served on her unfairly but she didn't put in an appeal against it as she hadn't read through it properly so she wasn't aware that she could appeal. She considered some of the simple remedial measures that she had been advised to carry out by the EPS were unnecessary as she felt she knew what works needed to be carried out. Ms. Lassu said that music had been played as low as 89 decibels but people had still complained.

- 4.9 At this point in the hearing, Neal Pates stated that he had received a late email from a local resident and asked if this could be introduced. Sasha Lassu was given the opportunity to read the email. She did so and said she had no objection to the contents of the email being read out. Neal Pates read out the main points, stating that Ms. Lassu had said she'd keep the noise down but it always crept back up again. The complainant said that items had fallen off shelves at 4 to 5 a.m. due to vibration. There had also been issues about drugs being taken and a strong smell of cannabis coming from the smoking area. Also, people, including a small child, and dogs were living inside the club and a large amount of rubbish had accumulated. The complainant felt that the club was not being run properly. In response, Ms. Lassu said that she had problems with the waste disposal company but this was to be resolved in the coming weeks.
- 4.10 Neal Pates summed up by stating that there had been repeated breaches of the licensing conditions, and the management had shown naivety, lack of professionalism and judgement and that the EPS had tried to support the business, but that in his opinion, no amount of additional conditions imposed would make a difference to the management of the club and he asked that the licence be revoked.
- 4.11 In response, Ms. Lassu summed up her case by stating that she felt she had adhered to the premises licence by setting the limiter at the required level. She agreed to carry out any works necessary to soundproof the premises and that she now has a positive team working alongside her and would like the chance to improve things and carry on in business.
- 4.12 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.13 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.
- 4.14 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

- 4.16 RESOLVED: That, in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, the premises licence in respect of Bassbox, 39 Snig Hill, Sheffield, S3 8NA (Case No.75/19) be revoked.

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