

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 19 November 2019

PRESENT: Councillors Andy Bainbridge (Chair), Dawn Dale and Josie Paszek

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1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Ruth Mersereau and Joe Otten.
- 1.2 Councillor Mersereau had requested that she did not wish to take part in the hearing on the basis that the premises were situated in her Ward.

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 - THE PARROT CLUB, UNIT 3, 92 BURTON STREET, SHEFFIELD, S3 8DA

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a premises licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as The Parrot Club, Unit 3, 92 Burton Street, Sheffield, S3 8DA (Ref No. 114/19).
- 4.2 Present at the meeting were Chris Grunert (John Gaunt and Partners, Solicitors, for the Applicants), Andrew O'Hara (Company Director, Parrott Club), John Wickham (Designated Premises Supervisor), Lynne Wixon (Objector), 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 in respect of the application had been received from three members of the public, and were attached at Appendix 'B' to the report. Mr Harper stated that South Yorkshire Police and the Environmental Protection Service had agreed conditions with the applicants, and that a reduction in the proposed hours of operation had also been agreed through the consultation period. All three members of the public who had submitted representations had been invited to the meeting, with one attending and addressing the Sub-Committee.

- 4.5 Lynne Wixon, who lived in the Kelham Mill development, which looked directly over the premises, indicated that she had experienced problems of noise nuisance connected with the premises during the last six months. In July 2019, during Tramlines, her and other residents had been forced to complain to the applicants, following loud music being played at the premises from 23:00 hours to 04:00 hours the following morning, on Friday, Saturday and Sunday. Since this incident, there had been several more cases where loud music had been played until 04:00 hours, making it very difficult to sleep. Ms Wixon stated that there were only metal roller doors at the front of the premises, which did very little to stop music emanating from the premises, and that the music being played on the occasions she was forced to complain about, comprised loud dance music, with a repetitive beat. She was very concerned, with the current application, that residents could potentially be adversely affected by loud music until 02:00 hours, seven days a week. She made reference to the fact that there were a number of other licensed premises in the vicinity, as well as the Pedlar's Market which, whilst being quite loud, always finished at 23:00 hours.
- 4.6 Chris Grunert reported that the premises had not previously had a premises licence, but had operated on Temporary Event Notices (TENs). He made reference to the plans, indicating that there was a blending lab to the rear of the premises, where the spiced rum, which was the main focus of the drink offer, would be blended, and which would not be open to the public. A considerable level of structural and internal works had been undertaken to the premises, and the roller door was to be replaced with a dual-glazed, bi-folding door. As part of the works, acoustic engineers had been instructed to check the design. In addition to this, a number of conditions, predominantly relating to the prevention of noise nuisance had been agreed with the Environmental Protection Service. The event referred to, during Tramlines, which had been the cause for complaints by local residents, had been organised by a third party. It was accepted that the event had resulted in residents being adversely affected by the music but following this, and some minor issues in terms of noise nuisance in connection with a further event held at the premises, in conjunction with the Pedlar's Market in September 2019, there had been no complaints or issues of concern. Mr Grunert stressed that the applicants wished to operate the premises as an up-market cocktail-style bar, focusing on spiced rum. On the days the bar wasn't open, the owners planned to run fun and informative rum schools, as well as special tasting events and private parties. There would be recorded music, but not at a level as to encourage dancing, and there were plans for live music, mostly at weekends, comprising a three-piece swing band. The applicants had made a commitment that staff would monitor volume levels, at regular intervals during the night, and, as a result of this, as well as the further agreed conditions, it was not envisaged that there would be any further problems regarding noise nuisance. He also pointed out the representations received all related to issues of noise nuisance, and not anti-social behaviour or other matters. He concluded by stating that if there were any further problems regarding noise nuisance, there was the option of requesting a review of the premises licence.
- 4.7 In response to questions from Members of, and the Solicitor to, the Sub-Committee, it was confirmed that the events held as part of Tramlines had been run

by a third party, and that the management would not be arranging similar events at the premises in the future. The premises management had responded to complaints received from local residents regarding noise nuisance, and would be prepared to provide a telephone number for any residents to use to discuss any future concerns or issues regarding the operation of the premises. There were plans for live music at the venue which, as well as recorded music, would focus on modern, up-beat swing. The recorded music would be slightly louder than standard background music, but would not be the main draw of the venue. As part of the plans, the management had held detailed discussions with the Environmental Protection Service in connection with noise levels. On the basis that it was only a small bar, with a capacity of around 60, it was not envisaged that there would be any major problems in terms of dispersal at closing time. There were a number of other bars in the area, having a much larger capacity. The premises management was a representative of the Sheffield Bartenders' Community, where members would meet to discuss information, and to share knowledge about all aspects of the licensing trade in the area. Customers would not be allowed to take their drinks outside, even when attending the smoking area, and regular checks would be made in terms of noise levels at this area. Although all doors and windows will be closed at 23:00 hours, access and egress will still be allowed for customers after this time. It was not expected, given the capacity of the venue, that this would create any problems. With regard to the agreed condition relating to the Designated Premises Supervisor (DPS) or a delegated member of staff taking a pro-active approach to noise control, it was stated that, on those occasions when live music was planned, a baseline check would be undertaken prior to the event commencing, a further check would be undertaken when the music had started, then further periodic checks would be made throughout the evening. The results in terms of noise levels of each check would be documented. It was proposed that such checks be undertaken by members of staff and, if any problems were identified, or if any further complaints were received, a specialist company would be asked to undertake such monitoring. The monitoring of noise levels would be focused on the apartment blocks where Ms Wixon lived.

- 4.8 Chris Grunert summarised the case on behalf of the applicants.
- 4.9 Craig Harper presented the options available to the Sub-Committee.
- 4.10 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.
- 4.11 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.13 RESOLVED: That the Sub-Committee agrees to grant a premises licence in respect of the premises known as The Parrot Club, Unit 3, 92 Burton Street,

Sheffield, S3 8DA (Ref No. 114/19), subject to (a) the amended condition in Section M(d)(3) of the application, as agreed with the Environmental Protection Service, as follows:-

- (a) noise or vibration shall not emanate from the premises so as to cause a nuisance in the vicinity;
- (b) the three conditions agreed with the Environmental Protection Service:-
 - (i) The Designated Premises Supervisor or a delegated member of staff shall take a pro-active approach to noise control, checking outside the premises to that the breakout of internal noise and noise from patrons using the external areas and departing the premises is managed so as not to cause nuisance;
 - (ii) Save for access, egress, or in case of emergency, all doors and windows shall remain closed from 23:00 hours, whenever regulated entertainment is present on the premises; and
 - (iii) No alcohol shall be consumed on the external area ('front apron') of the premises after 23:00 hours on any day. From this time, the use of the external area by customers shall be for smoking purposes only; and
- (c) the new, additional condition, as follows:-

All events at the venue to be operated by the premises management, with no external promoters having any control over sound levels.

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