

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 25 April 2013**

**PRESENT:** Councillors John Robson (Chair), Neale Gibson and George Lindars-Hammond

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence received. Councillor David Barker 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 - PLAYERS LOUNGE, 20 YEW LANE, SHEFFIELD, S5 9AN**

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 Players Lounge, 20 Yew Lane, Sheffield, S5 9AN.

4.2 Present at the meeting were Jonathan Hyldon (John Gaunt and Partners, Solicitor, for the Applicant), Keith Johnstone (Premises Licence Holder), Kevin Johnstone (Designated Premises Supervisor), Sean Gibbons (Health Protection Service, Objector), Julie Hague (Sheffield Safeguarding Children Board, Objector), Lizzie Payne (South Yorkshire Police, Objector), Matt Proctor (Senior Licensing Officer), Carolyn Forster (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Carolyn Forster outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from South Yorkshire Police, Sheffield Safeguarding Children Board, Health Protection Service and seven local residents, and were attached at Appendices 'D', 'E', 'F' and 'G1' to 'G7' to the report, respectively. None of the seven local residents were in attendance.

- 4.5 Following queries from the Chair, it was confirmed that all the existing conditions in respect of the Premises Licence would be in place up until the period of any appeal made by the applicants in respect of the summary review hearing held on 9<sup>th</sup> April 2013, and that all the seven local residents who had made representations had been aware of the new date of the hearing for this application.
- 4.6 Lizzie Payne stated that all the Police's concerns with regard to the operation of the premises had been addressed following the additional conditions and amendments to existing conditions, made following the summary review hearing on 9<sup>th</sup> April 2013.
- 4.7 Jonathan Hyldon stated that the premises management would not be appealing the decision made by the Sub-Committee at its meeting held on 9<sup>th</sup> April 2013, therefore would be accepting all the additional conditions, and amendments to existing conditions.
- 4.8 Julie Hague stated that the additional conditions and amendments to existing conditions had satisfied the majority of her concerns, but indicated that she still had two outstanding concerns, which she had raised at the summary review hearing, relating to wristbands and the membership scheme. Ms Hague stated that, in the light of the complaints and statements received regarding underage drinking at the premises, she had requested that all persons attending private functions at the premises, over the age of 18, should be required to wear a wristband. She also requested clarification in connection with the membership scheme, indicating that, although some of the new conditions and amendments to existing conditions had resulted in the scheme becoming more robust, she considered that the criteria was still not adequate, and requested that the scheme be further strengthened by the retention of membership records, membership numbers, photo cards and a requirement that only persons over 18 years of age could become members.
- 4.9 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Ms Hague stated that she had requested that persons over 18 attending private functions, to which persons both under and over 18 had been invited, should be issued with a wristband to assist bar staff to prevent underage sales and proxy sales of alcohol. She accepted that not everyone would retain their wristbands, and that there was a potential for under 18 year olds to get hold of a wristband, but it was expected that the system would work in parallel with Challenge 25, whereby bar staff would be expected to undertake their usual identification checks. If the membership scheme was operated on the basis of how she had requested, all membership cards would have a photo, which would assist bar staff, and it would be expected that under 18 year olds would be signed in as a guest. It was accepted that operating a wristband scheme could be construed as onerous, but it was considered an important safeguard, and would mainly be relevant for

birthday parties for under 25 year olds.

- 4.10 Sean Gibbons stated that, whilst the alterations to the premises had been of a high standard, and that the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) had been very accommodating to officers in the Health Protection Service, he was still concerned at the proposal to remove three conditions which had been attached to the Premises Licence following a hearing of the Licensing Sub-Committee on 6<sup>th</sup> September 2011. The conditions related to the premises being used as a private members club, a limit of 200 persons being allowed on the premises at any one time and the provision of light music and similar entertainment facilities only being permitted for pre-booked events, and being restricted to the new lounge. Mr Gibbons referred to the ground floor plan of the premises, and highlighted the material changes which had been made to the layout, referring specifically to the removal of four of the snooker tables, thereby providing a potential for the premises to be used more as a late night bar, as well as having the capacity for several more customers. He stated that if the three conditions referred to were to be removed, there would be potential problems with regard to the capacity of the premises. He made reference to the size of the former snooker room, indicating that it could potentially fit over 300 people, and that this would be a problem in that the present toilet facilities only catered for up to 200 people.
- 4.11 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Gibbons confirmed that the new seating had been installed at the premises, which he considered to be of a high quality, when he had visited the premises on 10<sup>th</sup> January 2013. In terms of a potential change in the nature of the premises, he stated that the recent alterations had resulted in the premises changing from a snooker club to a bar, and believed that, if further alterations were made in the future, the nature of the premises could further change, to a late bar. With regard to the capacity issues, he referred to the plan of the premises, indicating that there was a potential pinch point in the lobby area, which, if the capacity of the premises was exceeded, could provide a potential for overcrowding, and possibly crime and disorder. Whilst commending the management for having disabled toilet facilities installed, Mr Gibbons indicated that such provision would be a standard requirement following the extent of the alterations to the premises. He also confirmed that, as part of the recent alterations, the other toilet facilities had been upgraded and that the bar had also been upgraded and increased in area. He stated that the condition requiring no admission to the premises after 23:00 hours did allay his concerns to some extent, and gave him more confidence that the management did not intend to move towards a late night drinking establishment. He stated that whilst he welcomed the signs displayed at the entrance to the premises, informing customers of the new conditions of the licence, he indicated that the management had breached a number of conditions in the past. Mr

Gibbons accepted that the potential for making further alterations to the premises, thereby increasing its capacity and changing its nature, was only his personal concern and that there was no evidence to show that the management had plans to make such changes. He also confirmed that there had been no representations made in connection with the application by the Police in terms of crime and disorder.

4.12 Jonathan Hyldon put forward the case on behalf of the premises management, referring specifically to amendments to the original application, made on 8<sup>th</sup> February 2013. In terms of the proposed alterations, he stated that, although the management did not realise that they needed to apply for building regulation consent and planning approval, they had invested a considerable amount of money in upgrading the premises. Mr Hyldon circulated the regularisation letter in terms of the building regulation consent, which had now been granted, and confirmed that all the works had now been signed off. He added that there had been no objections from the Fire Service in connection with the alterations. The proposal to bring forward the commencement hour for the retail sale of alcohol to 10:00 hours on a Sunday was simply to bring this in line with the other days of the week, and there had been no objections to this proposal from any of the statutory authorities, nor had any of the residents raised any concerns with regard to this proposal. With regard to the proposal to remove Conditions 1 and 3 (Annexe 3), Mr Hyldon stated that again, there had been no representations in terms of this proposal, and that Mr Gibbons had indicated that he would not object to this proposal, on the basis that Condition 2, relating to the capacity on the premises, was retained. He stated that the Police were happy with the proposed removal of the membership scheme, and indicated that if Challenge 25 was operated, and adhered to, there would be no need for such a scheme. He also believed that there would be no need for the use of wristbands, indicating that it would be a difficult and troublesome scheme to operate, and there was nothing to stop people removing or transferring them. He referred to the proposed rewording of Condition 2 in Annexe 3, which would now read 'There shall be not more than 200 persons on the premises at any one time, unless as part of an agreed risk assessment with South Yorkshire Police'. Mr Hyldon concluded by referring to the representations raised in the residents' letters of objection, indicating that the vast majority of issues raised referred to the extension of hours in terms of the sale of alcohol, and this proposal had now been removed.

4.13 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Hyldon stated that the toilet facilities at the premises complied with the relevant British Standard regulations, and that now they had been upgraded and an additional disabled facility included, there was no reason why they should not comply now. Mr Gibbons indicated that, in accordance with current British Standard regulations, the toilet facilities were sufficient for up to 200 people. Mr

Hylton estimated that, following the recent alterations, the capacity for each of the function rooms would be approximately 70 to 80 people per room. When people wanted to book one of the function rooms or a private party, they would be asked roughly how many people would be attending and how many children would be included in that number. The wording of Condition 7 on the amended variation, relating to the addition of films as a licensable activity, included the wording to the extent that such films should be those as classified by the British Board of Film Classification (BBFC).

- 4.14 Jonathan Hylton, as part of the application, referred to a plan of the premises and questioned whether it would be possible to utilise the whole of that function room where part of that room had been identified for under 18s, and move any under 18s to a different area of the premises, which would still be monitored in the same manner. He also requested an extension to the time limit of 18:00 hours imposed at the review hearing on 9<sup>th</sup> April 2013, to 19:00 hours in order to cover those football matches or any other sporting events which commenced at 17:00 hours.
- 4.15 In response to further questions from Sean Gibbons, Jonathan Hylton confirmed that the only evidence to show that the Fire Service was happy with the 200 capacity at the premises was that they had not objected to the proposed variation. The reasoning behind the proposed amendment of Condition 2 (Annexe 3), relating to the increase in the capacity for specific functions, was that there may have been slightly over 200 people on the premises, although there was no evidence to show that the premises had breached this condition, and the management simply wanted to cover themselves. Mr Hylton acknowledged the fact that it was normal practice to operate schemes, such as wristbands and additional safeguarding measures, at venues with a higher capacity, but considered that operating a wristband scheme would place an additional burden on the premises management.
- 4.16 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.
- 4.17 Carolyn Forster reported orally, giving legal advice on various aspects of the application.
- 4.18 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.19 RESOLVED: That the Sub-Committee:-

- (a) agrees to vary the Premises Licence in respect of the Players Lounge, 20 Yew Lane, Sheffield, S5 9AN, subject to the amended application, operating schedule and to the amended conditions as follows:-
- (i) the removal of Condition 1 (Annexe 3) – The premises shall be used as a private members' club and for the purpose of providing members and bona fide guests with facilities for the playing of snooker and similar sports. The provision of live music and entertainment facilities shall be ancillary to the main use;
  - (ii) the removal of Condition 3 (Annexe 3) – The provision of live music and similar entertainment facilities shall only be permitted for pre-booked events and shall be restricted to the new lounge as in accordance with the plan, dated 4<sup>th</sup> August 2005, revised 9<sup>th</sup> September 2010;
  - (iii) the wording of Conditions 1, 3 and 7, now circulated, be agreed, subject to the amendment of Condition 1 to read – "... subject to a designated family area"; and
  - (iv) the amendment of Condition 2 (Annexe 3) to read "There shall not be more than 200 persons on the premises at any one time unless as part of an agreed risk assessment with South Yorkshire Police and the South Yorkshire Fire and Rescue Service"; and
- (b) does not agree to the request now made to amend the condition imposed following the review hearing on 9<sup>th</sup> April 2013, relating to the proposed extension of the hours that persons under the age of 18 would be allowed on the premises, from 18:00 hours to 19:00 hours.

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