

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 5 January 2017

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Gail Smith

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Anne Murphy 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 - BLUES BAR, 3 SPOONER ROAD, SHEFFIELD, S10 5BL

- 4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Blues Bar, 3 Spooner Road, Sheffield, S10 5BL.

- 4.2 Present at the meeting were Sonia Graham and Anton Smith (Applicants), Councillor Magid Magid (Objector), Clive Stephenson (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 Clive Stephenson presented the report to the Sub-Committee and it was noted that one Councillor objection and one public objection had been received. The public objector had been invited to attend the meeting, but was not present. Details of the representations were attached at Appendix 'B' to the report.

- 4.5 Councillor Magid Magid stated that residents living within the vicinity of the premises had expressed concerns with regard to the venue re-opening, particularly regarding the potential for noise nuisance when customers were leaving the venue late at night. He made specific reference to the problems experienced in connection with the operation of the previous bar at these premises. Councillor Magid

stated that, whilst he was pleased to see that a number of additional conditions were proposed to be added to the Premises Licence, particularly those relating to the implementation of noise attenuation measures, he still believed that local residents would experience noise nuisance when customers left the premises in the early hours of the morning.

4.6 In response to questions from Members of the Sub-Committee and the applicants, Councillor Magid stated that he was aware of widespread concern from neighbours living within the vicinity of the premises, and that whilst he could not provide any details regarding the regularity, he stated that residents had suffered problems of noise nuisance in terms of both live and recorded music, and with customers leaving the former venue in the early hours of the morning. He stated that he had not received any feedback from local residents, specifically welcoming the opening of a new venue at the premises as many were still concerned at the potential for noise nuisance, particularly in the light of the problems faced during the operation of the previous venue, and in the light of the late opening hours with regard to this application.

4.7 Anton Smith stated that the majority of concerns were based on the residents' previous experiences with regard to the operation of the previous venue – South Sea Music Venue, which had tended to attract younger customers, some of whom were underage, and many of whom caused problems for the local residents when leaving the premises in the early hours of the morning. The Blues Bar would be looking to attract an older clientele, and would be more restaurant-based, with main meals being served up to 22:00 hours each night. Sonia Graham stated that she had received positive feedback from a number of local residents and local businesses, in connection with the apparent change to the operation of the premises. She stated that, as a qualified registered Social Worker in the area of child protection, with over 25 years' experience, she was well aware of the concerns raised in connection with the operation of the former venue, particularly with regard to child protection and safeguarding. She added that she lived in the surrounding area, and was aware of the problems of noise nuisance linked to the former venue. In terms of the concerns raised regarding potential noise nuisance, Ms Graham stated that they only intended to open until the early hours of the morning at weekends and when they held special events, and only planned to have live bands performing at the venue very occasionally. The target clientele for the premises was local people and businesses, aimed specifically at the over 25's. The applicants had either complied, or had agreed to comply with, the additional conditions suggested by the Environmental Protection Service, which related mainly to noise attenuation measures. In addition, they had constructed a smoking area to the rear of the premises, having relocated this area from the side of the premises, where it used to be near residential properties.

4.8 In response to questions raised by Members of, and the Solicitor to, the Sub-Committee, and the Licensing Service, Ms Graham stated that the applicants had researched the background in terms of the operation of the South Sea Music Venue, and were aware that the venue opened until 04:00 hours at weekends, and that there had been regular problems of noise nuisance and anti-social behaviour with customers either leaving the venue or hanging around outside the premises, sometimes until 05:00 hours. Whilst the applicants had applied to open until 03:00 hours at weekends, it was not likely that the premises would remain open until such time on a regular basis, but just on certain nights and when special events were held. The plan was to stop serving main meals at 22:00 hours, then serve snack-type meals after this time. Ms Graham stated that, whilst she had not much specific experience in working in the licensing trade, she had experience regarding child protection and safeguarding issues, and her son, Anton Smith, had worked in the catering business, as well as working in security at the Sheffield University Students' Union, holding a Security Industry Authority (SIA) badge. In terms of consultation and continuing dialogue with local residents, there were plans to provide those residents living nearest to the premises with a contact number so they could report any incidents of noise breakout, or discuss any other areas of concern, prior to any problems escalating. As part of a marketing strategy, there were plans to invite local residents and businesses, shortly after opening, for them to sample the drink and food, and to discuss any issues of concern. The reason for applying for the late opening hours, although it was not envisaged the venue would be open until such time on a regular basis, was to provide an opportunity for older people to meet and socialise in an area where there was very little else for such people. Ms Graham stated that herself and her son would provide in-house training for other members of staff, based on their individual work experience. Mr Smith stated that, if they were faced with a customer who was causing problems, either inside or when leaving the premises, staff would talk to them in an attempt to calm them down, and if this didn't work, take any necessary further action. They also had links with a number of local taxi firms, who they could work with in order to get customers out of the area and/or home, as soon as possible. Also, as part of the in-house training, they would ensure that all members of staff kept a check on customers' levels of drinking. Mr Smith pointed out, on the ground floor plan, where dining and drinking areas would be situated, and stated that they planned to have approximately 15 dining tables. As already stated, it was the intention to stop serving main meals at 22:00 hours and then serve more snack-type meals after this time, both in the dining and drinking areas. The stage area was positioned in the same place, as in the previous venue, but it was not envisaged that it would be used to any great extent. Also, there were no plans for the use of the DJ booth as it was the intention to have background music only playing, with no plans for any discos. In terms of the monitoring of noise breakout and noise

nuisance, it was planned that, for the first few weeks of opening, staff would monitor when customers were leaving the premises, and make a note of any noise problems. On those occasions when special events were held at the premises, there would be extra staff on duty, who would monitor drinking and noise levels throughout the night. The premises would be publicised for the over 25's and there were no plans to hold any student nights as there were already plenty of bars in the area which attracted students and younger adults. Security staff would monitor any incidences where they believed students or younger adults had purchased alcohol from the nearby supermarket to drink before going to the bar. There would be a small selection of premium beers/lagers/ciders for sale, the price of which would be similar to the other bars in the area. There were no plans for any cheap drink promotions, or to sell alcoholic shots.

- 4.9 Sonia Graham and Anton Smith summarised their case, stressing that due to the level of research they had undertaken and the money and time they had invested in the premises, they at least deserved the opportunity to see how the new venture progressed.
- 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 Blues Bar, 3 Spooner Road, Sheffield, S10 5BL, in the terms now requested, and subject to the agreed conditions.

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