

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 17 January 2022

**PRESENT:** Councillors Dawn Dale, Roger Davison and Ruth Milsom

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#### **1. APPOINTMENT OF CHAIR**

- 1.1 RESOLVED: That in the absence of the Co-Chairs of the Sub-Committee (Councillors David Barker and Karen McGowan), Councillor Dawn Dale be appointed Chair of the meeting.

#### **2. APOLOGIES FOR ABSENCE**

- 2.1 There were no apologies for absence. Councillor Lewis Chinchon attended as a reserve Member, but was not required to stay.

#### **3. EXCLUSION OF PUBLIC AND PRESS**

- 3.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on items 6 and 7 on the agenda on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

#### **4. DECLARATIONS OF INTEREST**

- 4.1 There were no declarations of interest.

#### **5. LICENSING ACT 2003 - BOSTON ARMS, 676 CHESTERFIELD ROAD, SHEFFIELD, S8 0SD**

- 5.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of premises known as Boston Arms, 676 Chesterfield Road, Sheffield S8 0SD (Ref No.02/22).

- 5.2 Present at the meeting were Robbie McDonald (Applicant), Chris Grunert (Solicitor for the Applicant), Jonathan Round (Environmental Protection Officer), Alison Riocreux (Local School Governor on behalf of Headteacher, Woodseats Primary School), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

- 5.3 Marie-Claire Frankie outlined the procedure that would be followed during the hearing.
- 5.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that representations had been received from three local residents, the Headteacher of Woodseats Primary School and the Environmental Protection Service and were attached at Appendix "B" to the report.
- 5.5 Jonathan Round stated that the application was to use the ground and first floor of the premises, the first floor being adjacent to residential accommodation and as such the recommendations outlined in his sound report should be carried out. He said that the applicant had engaged the services of consultants to carry out a sound report without consulting the Environmental Protection Service and as such there were a few issues that had not been addressed and that recommended works were only appropriate to control customer noise and not amplified sound. Mr. Round said that the applicant had indicated that there would be background music played at the premises, and therefore recommended that the applicant puts in place additional measures to ensure that the premises would be able to retain all sound during trading hours.
- 5.6 Alison Riocreux stated that to open a pub adjacent to the local primary school would be inappropriate as it could encourage parents to drop off their children at school and go into the pub and likewise when picking them up after school. Ms. Riocreux said there would be issues caused by additional rubbish and smells emanating from the premises and that people would stand outside the premises, blocking the pavement which was not very wide. She referred to the alleyway between the premises and the school which also was not very wide and was concerned that the bins would be left there and also there would be excessive noise coming from the rear doors when opened or propped open. Ms. Riocreux said that broken glass, urine and vomit from those using the premises would be left in the alleyway. Although it had been suggested in the operating schedule that clearing up would be carried out during the hours the premises were open, her concern was, would the alleyway be cleared by the morning when children were going to school and would it be safe. She also raised concerns about people stood outside the premises smoking as their smoke could drift into the playground. She felt that the privacy and safety of the schoolchildren could be compromised by the upstairs windows of the premises overlooking the playground. Finally, she asked whether there were any plans to extend the rear of the premises into an outside drinking area.
- 5.7 In response to questions from Members of the Sub-Committee, it was stated that the school was situated on a busy main road and the playground was not overlooked by any other premises. There was a small wall and railings around the school and should anyone passing by stand and look into the playground whilst the children were playing, members of staff would ask them to move on, purely on safety grounds.
- 5.8 Chris Grunert referred to the revised operating plan which had been circulated and stated that whilst conditions to the application had been agreed, in response to the representations made, the applicant had offered a compromise with regard to the

hours of opening which had been reduced to 10.00 a.m. to 11.00 p.m. Sundays to Thursdays and 10.00 a.m. to 11.30 p.m. on Fridays and Saturdays. He said that he had carried out research of the other licensed premises in Woodseats and felt that a licence for new premises should not be denied due to problems at other venues. Mr. Grunert confirmed that alcohol would not be served on the premises until after 4.00 p.m. on any school day during term time. Mr. Grunert confirmed that the area to the rear of the premises would not be used as a drinking area and there were no plans to extend the outside of the premises into an outdoor drinking area. With regard to clientele being able to look out onto the playground, Mr. Grunert stated that should someone be found doing this, they would be challenged but it had been agreed to install frosted glass to the upstairs windows. Mr. Grunert said that the applicant had engaged with the objectors in an attempt to address their concerns. With regard to refuse, the bins would be stored appropriately and placed outside the premises on the collection day in line with other premises, no commercial bins would be placed on the public highway. With regard to the issue of rubbish, a condition was already in place stating that the premises would conduct regular checks throughout trading hours and also at the beginning and end of the trading day.

- 5.9 In response to questions from Members of the Sub-Committee, the applicant stated that he was an independent operator with retail experience in the city and it was intended to open an artisan café during the day and a craft beer led pub during the evening, also selling wines and cocktails, offering something different to what was currently on offer in the local area. He said they were experienced operators and have been successful over the last five years. He said that the capacity downstairs would be 45 people and with the upstairs area, that would increase to 70 people, which could be roped off to provide a private function area if required. It was stated that a planning application would be submitted to change the glazing to the premises, which would address noise outbreak.
- 5.10 Jayne Gough outlined the options open to the Sub-Committee.
- 5.11 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.
- 5.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.13 At this point in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.14 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made and the responses to the questions raised, the Sub-Committee agrees to grant a premises licence in respect of the premises known as The Boston Arms, 676 Chesterfield Road, Sheffield S8 0SD, subject to the amended Operating Schedule (Ref No.02/22).

**6. LICENSING ACT 2003 - PITSMOOR HOTEL, 448 PITSMOOR ROAD, SHEFFIELD, S3 9AY**

- 6.1 The Chief Licensing Officer submitted four reports to consider (a) the review of two premises licences under Section 53A of the Licensing Act, 2003, in respect of premises known as The Pitsmoor Hotel, 448 Pitsmoor Road, Sheffield S3 9AY (Ref No.07/22) and the review of premises known as The Staffordshire Arms, 40 Sorby Street, Sheffield S4 7LB (Ref No.08/22) and (b) applications to vary a premises licence to specify an individual as a designated premises supervisor of the Pitsmoor Hotel (Ref No.11/22) and the Staffordshire Arms (Ref No.12/22).
- 6.2 Present at the meeting were Ian Armitage, Catherine Jarvis and James Ketteringham (South Yorkshire Police), Julie Hague (Sheffield Safeguarding Children Partnership), Gareth Barrett (Licensing Strategy and Policy Officer), Ashley Greasby, Paige Greasby and Louise Leggitt (Applicants) Chris Weldon (local resident), Jayne Gough Licensing Strategy and Policy Officer), Marie-Claire Frankie (Legal Advisor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 6.3 In view of the circumstances, the parties had agreed that the four cases in Items 6 and 7 on the agenda would be heard together.
- 6.4 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 6.5 Jayne Gough presented the reports to the Sub-Committee, and it was noted that representations had been received from South Yorkshire Police, Sheffield Children Safeguarding Partnership and the Licensing Service and were attached as Appendices to the report.
- 6.5 Catherine Jarvis and James Ketteringham reported on the objections of South Yorkshire Police to the applications, referring to the information contained in the papers, and circulated prior to the meeting, which highlighted a number of issues with regard to the operation of the two premises. Ms. Jarvis and Mr. Ketteringham stated that, as well as all the incidents now referred to, the police did not consider the applicants to be fit and proper persons to be granted a premises licence or a Designated Premises Supervisor (DPS) for the premises.
- 6.6 Julie Hague reported on the representations made by the Sheffield Safeguarding Children Partnership, referring to the information contained in the papers, and circulated prior to the meeting, which highlighted a number of issues with regard to the operation of the two premises. Ms. Hague stated that, as well as all the incidents now referred to, she did not consider the applicants to be fit and proper persons to be granted a licence.
- 6.7 Gareth Barrett reported on the representations made by the Licensing Service, referring to the information contained in the papers, and circulated prior to the meeting, which highlighted a number of issues with regard to the operation of the two premises. Mr. Barrett stated that, as well as all the incidents now referred to,

he did not consider the applicants to be fit and proper persons to be a Designated Premises Supervisor (DPS) for the premises.

- 6.8 The applicants put forward their case, providing an explanation as to the incidents now referred to, stressing that despite the issues, they were willing to work with the responsible authorities in connection with the operation of the premises.
- 6.9 The applicant responded to a number of questions raised by Members of, and the Solicitor to, the Sub-Committee and by Jayne Gough, Julie Hague and James Ketteringham.
- 6.10 All the parties present summarised their cases.
- 6.11 Jayne Gough reported on the options available to the Sub-Committee.
- 6.12 RESOLVED: That the attendees involved in the applications 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 paragraphs 2 and 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 6.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the applications.
- 6.14 RESOLVED: That, in the light of the contents of the reports now submitted, together with the additional information circulated and the representations now made, including the responses provided to the questions raised:-
- (a) the interim steps imposed at the hearing held on 23<sup>rd</sup> December, 2021, be amended and the licence for the premises known as The Pitsmoor Hotel, 448 Pitsmoor Road, Sheffield S3 9AY be revoked (Ref No.07/22);
  - (b) the licence for the premises known as The Staffordshire Arms, 40 Sorby Street, Sheffield S4 7LB be revoked (Ref No.08/22); and
  - (c) applications to vary a premises licence to specify an individual as a designated premises supervisor of the Pitsmoor Hotel (Ref No.11/22) and the Staffordshire Arms (Ref No.12/22) be refused.

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

## **7. LICENSING ACT 2003 - STAFFORDSHIRE ARMS, 40 SORBY STREET, SHEFFIELD, S4 7LB**

- 7.1 This case was heard in conjunction with Item 6 on the agenda (Licensing Act 2003 - Pitsmoor Hotel, 448 Pitsmoor Road, Sheffield S3 9AY (Ref No.07/22)).