

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 30 May 2022

PRESENT: Councillors David Barker (Chair), Vickie Priestley and Maroof Raouf

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

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 - OLIVIA'S, 173 - 179 WEST STREET, SHEFFIELD, S1 4EW

4.1 The Chief Licensing Officer submitted a report on an application made under Section 17 of the Licensing Act 2003 for the grant of a premises licence in respect of the premises known as Olivia's, 173-179 West Street, Sheffield S1 4EW (Case No.83/22).

4.2 Present at the meeting were Sean Fogg (Applicant), Michelle Hazlewood (Applicant's Solicitor), Mark Booth (Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Solicitor 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 was noted that a representation had been received from a local resident and was attached at Appendix "C".

4.5 Mark Booth stated that exactly a year ago to the day he heard loud music outside the premises and tried to complain but didn't get any response and the music continued. He further stated that he had sent videos and photographs to the Licensing Service in November, 2021 evidencing his complaint. He said that licence conditions were consistently being breached, even after Licensing Enforcement Officers had visited the premises. He added that the front and rear

doors were frequently propped open so a considerable amount of noise breakout from amplified music could be heard until 3 a.m. which prevented him from sleeping or had woken him up. Mark Booth said that when the Environmental Protection Service had tested the acoustics inside the premises, they did so with the doors closed which, he believed, didn't give a true reflection of noise breakout from the premises. Mark Booth said that he had again complained to who he believed to be the applicant and was promised that the matter would be dealt with, but to date, nothing had been done. He said that the original planning application required an acoustic lobby with the doors leading out onto West Street opened outwards but in fact, they opened inwards and only had handles on the inside of the doors. Mark Booth stated that on 4th May, 2022, extremely loud music was played continuously for six to seven hours. He said he had raised the issue again with who he believed to be applicant, who had apologised to him, but he didn't feel that they were being proactive to his complaint. Mr. Booth felt that the applicant was unaware of what the manager of the premises was doing. In summarising his complaint, Mark Booth said that outside music being allowed near to residential premises was totally unacceptable and felt that premises should close before 3 a.m. He said the noise breakout from the premises was affecting his mental health due to not being able to sleep or having disturbed sleep. Finally, he said that he had lived in his apartment for 19 years and had never had any issues with previous owners of the premises.

- 4.6 In response to questions from Members of the Sub-Committee, Mark Booth confirmed that there were handles on the inside of the doors but not outside and there was evidence of doors being propped open on many occasions. He said he realised from the negative response he had received from the management of the premises that nothing was going to change, the music wasn't turned down and he and his partner had been told that the music would not be turned down, that the management of the premises could do what they wanted, and he was unaware of who, other than the Licensing Service, he needed to contact to try and resolve the matter. He said he didn't have an email or telephone contact for the applicant, he assumed that the applicant was the person who ran the bar. Mark Booth said that he was unaware that he could bring an application for a variation to the licence to be made. He also raised concerns that it was not always easy to see notices attached to lamp posts or in windows which would make people aware of applications being made.
- 4.7 At this point in the hearing, the Chair explained that, as the premises was already licensed to operate within the city centre and that the application was for a "shadow" licence of what was already in place and all terms and conditions of that licence was mirrored in the application. He said that should the licence lapse and was not transferred, the landlord would not have to go through the process of applying for a new licence.
- 4.8 Michelle Hazlewood stated that her client was the landlord for the site which was an investment property company who owned numerous properties around the city but had previously lost value in their investment when licences had lapsed for one reason or another and so one of the ways of ensuring the asset was safe, was to invest in commercial premises that already held a licence as a commercial landlord. She said that shadow licences were used all the time, especially in

London, as a way of securing an investment. She said that her client also owned Viper Rooms in the city centre and operated under a shadow licence. She said that the conditions of the licence for Olivia's were complied with and were robust and promoted the licensing objectives. Michelle Hazlewood stated that the next step, should the application be not granted today, was for the applicant to apply for a variation on the licence for the appointment of a Personal Licence Holder and a Designated Premises Supervisor should the existing licence fail, due to the fact that he wished to remain as landlord to the premises. She added that the applicant did not want to hold a licence in his own name but wanted to remain as landlord of the premises. Michelle Hazlewood said that the evidence provided by the objector was not relevant for the purpose of the application. She said that the issues raised regarding the door not opening outwards and being propped open had been dealt with by the Environmental Protection Service.

- 4.9 In response to questions from Members of the Sub-Committee and observations from the objector, Michelle Hazlewood stated that the application had been made from the position of a commercial landlord. She said the application had been before the Sub-Committee last year and had been granted and that there had not been objections received from any of the Responsible Authorities. She said that due to the fact that the licence does not currently have a Personal Licence Holder or a Designated Premises Supervisor in place, the business cannot operate without them. The applicant added that he would be happy to work with the objector and share contact details with him, adding that he had not received any complaints from other local residents.
- 4.10 Michelle Hazlewood summarised the case on behalf of the applicant.
- 4.11 Clive Stephenson outlined the options available to the Sub-Committee.
- 4.12 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.
- 4.13 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.15 RESOLVED: That, in the light of the information contained in the report now submitted, and the additional information circulated prior to the hearing, together with the representations now made and the responses to the questions raised, approval be given for the grant of a premises licence in respect of the premises known as Olivia's, 173-179 West Street, Sheffield S1 4EW (Ref No. 83/22) in the terms requested.

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

