

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee (Statutory)

### Meeting held 31 October 2023

**PRESENT:** Councillors Abdul Khayum (Chair), Nabeela Mowlana and Sioned-Mair Richards

#### **1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence. Councillor Roger Davison 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 - ZAMBEZI LOUNGE, 580 ATTERCLIFFE ROAD, SHEFFIELD, S9 3QP**

4.1 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 the premises known as 'Zambezi Lounge', 580 Attercliffe Road, Sheffield, S9 3QP (Ref. No. 131/23).

4.2 Present at the meeting were Earnest Muzvidzwa (Applicant), Charles Denny (Applicant's Representative), Shimla Finch (Licensing Strategy and Policy Officer), Samantha Bond and Mitchell Wibberley (Legal Advisers) and Philippa Burdett (Democratic Services Officer).

4.3 The Chair outlined the procedure which would be followed during the hearing.

4.4 Shimla Finch presented the report, and it was noted that during the consultation period, four representations had been received, and three of these had been resolved following the addition of conditions by the Responsible Authorities. The remaining representation from a local resident was attached at Appendix "B" to the report.

4.5 Charles Denny presented the case on behalf of the applicant, indicating that the premises had originally been a bank, before becoming a licensed bar that subsequently closed down. The premises licence had lapsed, and the applicant

had submitted a new application. The hours stated in the application were:

Live music, Late Night Refreshment and the supply of alcohol:

12:00 until 23:30 hours (Monday to Thursday inclusive)

12:00 until 02:30 hours (Friday)

12:00 until 03:30 hours (Saturday)

12:00 until 03:00 hours (Sunday)

Due to representations submitted, a meeting was held at the premises between the applicant and the Responsible Authorities on 19 September, 2023. After further discussions, this resulted in the agreement of additional conditions being imposed if granted and the reduction in hours as follows:

Live music, Late Night Refreshment and the supply of alcohol:

12:00 until 23:30 hours (Sunday to Thursday inclusive)

12:00 until 00:00 hours (Friday)

12:00 until 01:00 hours (Saturday)

Plus a further 30 minutes to allow customers to consume drinks already purchased and a winding down period before the premises are closed to the public including the provision of recorded music.

- 4.6 Mr Denny advised that an agreement had been reached to install additional CCTV cameras, making a total of 12. It had also been agreed to provide door supervisors on Fridays, Saturdays and Sundays from 22:00 hours. South Yorkshire Police were happy with the revised hours, and had withdrawn their representation.
- 4.7 It was noted that concerns had been raised from the Health Protection Service about asbestos and general improvements needed to the building. Mr Denny advised that all of the requirements have been undertaken, and that the Health Protection Service had subsequently withdrawn their representation.
- 4.8 Mr Denny confirmed that all speakers at the premises would be removed until such time that a sound attenuation agreement had been made, and there would be no music at the premises until there was an understanding of the noise measure needed. As such, the Environmental Protection Service had withdrawn their representation. He noted that one representation remained from a local resident. He re-iterated that conditions had been agreed with all responsible authorities, reflecting concerns about late opening and potential noise nuisance. The original application had requested extended opening hours on bank holidays, Christmas Eve and New Years Eve, and requested that this be considered by the Sub-Committee. Mr Denny advised that the applicant had put a lot of effort and cost into trying to create a good quality premises as a bar with slightly extended hours, which he felt would be a huge uplift for that area of Sheffield.
- 4.9 In response to questions from Members of the Sub-Committee, it was stated that a dispersal procedure was now in place that included employing security staff on

Fridays, Saturdays and Sundays, who were directly responsible for ensuring that customers left the area quietly, parked courteously and acted responsibly. A dedicated taxi firm was used for customers leaving the premises, and the applicant would provide a dedicated phone number for residents to contact with any concerns. A maximum capacity of 60 people had been confirmed, so was expected to be an intimate bar rather than a nightclub. A single level of sheeting had been added to specific glazing to help attenuate sound. Volume would be controlled in order to limit noise egress, and the venue would operate with consideration to nearby residents.

- 4.10 Earnest Muzvidzwa noted his background as a lecturer. He added that he aimed to be a good neighbour, and would take any complaints seriously and engage with residents to address their concerns. He would encourage sensible parking, and had agreed to remove speakers until a sound check had been undertaken.
- 4.11 Mr Denny summarised the case on behalf of the applicant, adding that the applicant was serious and committed to manage the premises responsibly. A training plan had been included in the original application, and Mr Denny would work with the applicant to provide training modules to ensure he had full knowledge and control of the premises.
- 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 of 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, together with the representation now unresolved and the responses to the questions raised, approval be given for the grant of a premises licence in respect of the premises known as Zambezi Lounge, 580 Attercliffe Road, Sheffield, S9 3QP (Ref No. 131/23), subject to:-
- (a) The conditions agreed with South Yorkshire Police prior to the hearing, as follows:
- (i) Door supervisors of a sufficient number and gender mix, shall be employed from 22:00hrs on Friday, Saturday and Sunday. The requirement for such security at any other time to be risk assessed by the Designated Premises Supervisor or member of the management team;
  - (ii) The use of glass alternative drinking vessels shall be utilised in accordance with the premises assessment of risk;
  - (iii) There shall be a zero tolerance drugs policy at the premises and there

shall be a suitably secure 'drop box' for any illegal substances or items confiscated from customers. Seized items will be handed to South Yorkshire Police;

- (iv) The Premise Licence Holder will have a search policy for customers. Enhanced searching will be periodically used in accordance with a dynamic risk assessment. Customers accessing the venue using VIP, guest or other concessions must be subject to the same security and age verification checks as all other customers entering the premises including those re-entering the premise. The use of security wands to be considered within the premises search policy;
- (v) No customers carrying opened bottles upon entry shall be admitted to premises;
- (vi) The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has access the system, the reason why and when;
- (vii) Staff will receive training concerning , but not limited to:
  - Vulnerability awareness
  - Crime scene preservation (including syp violent incident protocol)
  - Drugs policies
  - Underage sales/Challenge 25 scheme /Proxy Sales/Fake ID's
  - Counter terrorism (available on <https://www.protectuk.police.uk/catalogue> or any relevant government approved training following a change in name)
  - CCTV operation (authorised staff only)
  - Dispersal

Suitable refresher training to be completed at least once per calendar year commencing the year after their date of employment. A written record to be retained for a minimum of 12 months and shall be made available to the Police and/or Licensing Authority upon request;

- (viii) The Designated Premises Supervisor or other such responsible member of staff must be assigned to act as the co-ordinator for ensuring that risk management systems are operating and staff are trained in relation to safeguarding children at all times. This person must act in compliance with the training and guidance provided by the Sheffield Children's Safeguarding Partnership and other relevant responsible authorities;
- (ix) Persons under the age of 18 must be accompanied and supervised by an adult and are only permitted until 19:00 hours daily unless attending a family type, pre-booked function or dining. No children under the age of 18 permitted after 21:30 hours;
- (x) A CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open (in line with specification July 2020). The CCTV images will be stored for 31 days and police and authorised officers of the council will be given access to images for purposes in connection with the prevention and detection of crime and disorder, in line with GDPR guidance. Members of the management team will be trained in the

- use of the system;
- (xi) Recorded music to be at background level only during the last thirty minutes of trade;
- (xii) Installation of four additional CCTV cameras capturing:
  - VIP area
  - Female toilet entrance
  - Main bar area (facing the bar)
  - External smoking area; and
- (i) Amendment to the hours of
  - Live music
  - Late night refreshment
  - Supply of alcohol

***Friday: 12 noon – midnight***

***Saturday: 12 noon – 01:00***

***Sunday to Thursday inclusive: 12 noon – 23:30***

Plus a further 30 minutes to allow customers to consume drinks already purchased and a winding down period before the premises are closed to the public including the provision of recorded music.

- (b) The conditions agreed with the Environmental Protection Service prior to the hearing, as follows:

- (i) No live music or amplified sound shall be played within the building unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:
  - a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey; and
  - b) Be capable of restricting noise breakout from the building to the street to levels not exceeding the prevailing ambient noise level by more than 3dB when measured;
    - (i) as a 15 minute LAeq, and;
    - (ii) at any one third octave band centre frequency as an 15 minute LZeq.

Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Environmental Protection Service;

- (ii) Before live music or amplified sound shall be played within the building, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Environmental Protection Service. Such Validation Testing shall:
  - a) Be carried out in accordance with an approved method statement; and
  - b) Demonstrate that the specified noise levels have been achieved. In

the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Environmental Protection Service. Such further scheme of works shall be installed as approved in writing by the Environmental Protection Service before live music and amplified sound is played and shall thereafter be retained;

- (iii) All doors and windows shall be closed, save for access and egress of the general public and/ or than in case of emergency, when amplified sound or live music is present in the premises;
- (iv) No speakers shall be fixed externally nor directed to broadcast sound outside the building at any time;
- (v) No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiting facility capable of limiting the sound level output of the system to a pre-set level which may then be secured in a tamper-resistant manner, the design and settings of which shall have received the prior written approval of the Environmental Protection Service;
- (vi) The DPS or designated member of staff must take a proactive approach to noise control, checking outside the premises to ensure that noise is kept to a reasonable level from patrons using the designated external area(s), and access and egress;
- (vii) The premises licence holder shall prominently display A5 notices on all exits reminding patrons to leave the premises in a quiet and orderly fashion to respect the local neighbour's needs;
- (viii) The premises licence holder shall prominently display A5 notices in all external areas reminding patrons to be quiet whilst using the facilities provided and respect the local neighbour's needs; and
- (ix) The Premises Licence Holder shall submit for written approval by the Environmental Protection Service a Noise Management Plan providing details of operational procedures to protect the occupiers of nearby dwellings from noise breakout of amplified sound, external area, and dispersion. Such details shall include, inter alia, operational procedures, monitoring of customer activities, smoking and/ or consuming alcohol policy, good relationship with responsible taxi services, relevant signage, CCTV consideration, complaints handling procedure, practical policy of noise complaint monitoring, staff training relating to noise awareness etc.

*Note: Conditions 1 and 2 to be removed from the premises licence once the noise*

*survey has been approved, installation of attenuation works are complete, and satisfactory validation testing has been submitted.*

(c) The conditions agreed with the Health Protection Service, as follows:

- (i) The maximum capacity for the premises shall not exceed 60 persons;
- (ii) The heavy wooden outer doors shall be pinned open during times when the premises are open to the public;
- (iii) Lighting in areas accessible to the public, members or guests shall be adequate when they are present;
- (iv) A permanent fixed residual current device (RCD) must protect the electrical power serving all amplified music equipment used for the purposes of live music or similar entertainment; and
- (v) An Electrical Installation Certificate and/or an Electrical Condition Report covering 100% of the electrical installation must be provided for the premises.

(d) The additional conditions, as follows:

- (i) A direct telephone number for the manager, or other such person in charge at the premises, shall be made available should any issues or concerns arise and shall be listed in an accessible and visible place on the premises; and
- (ii) The opening hours and the provision of licensable activities on Christmas Eve, New Year's Eve and Bank Holidays are to be in line with the terminal hour on Saturdays as follows:

01:00 hours for the cessation of the following licensable activities: the provision of live music, the provision of late night refreshment and the sale by retail of alcohol, with recorded music to cease and the premises to close by 01:30 hours.

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