

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 18 December 2023

PRESENT: Councillors David Barker (Chair), Roger Davison and Ann Woolhouse

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 - NO MILD STEEL, 109-111 RANDALL STREET, HIGHFIELDS, SHEFFIELD, S2 4SJ

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 No Mild Steel, 109-111 Randall Street, Highfields, Sheffield, S2 4SJ (Ref. No. 147/23).

4.2 Present at the meeting were Christopher Grunert (Solicitor for the applicant), Suzanna Foulerton-Walker (Applicant), Louise Glover (Director, No Mild Steel), Peter de Lange (Objector), Anna de Lange (Objector), Carl Whitham (Objector), Paul Iseard (Objector), Shimla Finch (Licensing Strategy and Policy Officer), Bob Singh (Environmental Protection Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Philippa Burdett (Democratic Services).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing.

4.4 Shimla Finch presented the report to the Sub-Committee and it was noted that representations had been received from responsible authorities and interested parties, as listed in paragraph 3.1 of the report, with full copies of the representations attached at Appendix 'B' to the report. During the consultation period, the applicant had agreed conditions and a reduction of operating hours with South Yorkshire Police, with details shown at Appendix 'C' of the report. Since the publication of the report, the Health Protection Service had been in liaison with the applicant to resolve the issues raised, an updated plan had been submitted and all

five conditions listed in their objection had been agreed, and their objection was withdrawn.

- 4.5 Bob Singh explained that due to the late opening hours requested in the application (until 0600 hours), a joint meeting was set up on site between the applicant and responsible authorities. He noted that the premises was a large industrial building, not originally designed as a live or recorded music venue. He added that there were a number of weak points in the fabric of the building such as a tin roof, several openings, single glazing and roller shutter doors, and had not been acoustically treated, thus providing minimal sound insulation. He noted his concerns that any music played above background level could result in noise breakout. He advised that the nearest residential accommodation was approximately 30 metres from the venue, and that there had been a history of complaints relating to noise from other operators in the vicinity, some of which had required the implementation of noise control measures. Recommendations were subsequently made to the applicant, as detailed in Appendix 'B' of the report. Mr Singh explained that further discussions took place with the applicant, and it was agreed that, as music would be ancillary to the business, opening hours would be reduced to 2300 hours, the capacity would be reduced to 499, and the recommended conditions were amended such that a noise survey was no longer required. He had, however, requested a specific condition that would apply if any justified noise complaints were received. Mr Singh confirmed that he still had concerns that any music played above background level would be audible at neighbouring commercial premises, due to the current fabric of the building, and could result in noise complaints.
- 4.6 Samantha Bond confirmed that under the Licensing Act 2003 and Live Music Act 2012, where a premises licence has a licence for the supply of alcohol, live and recorded music can be provided in a deregulated form, providing the premises operate at a capacity below 500 people and provision is between 0800 hours and 2300 hours. . Should complaints be received once the premises was in operation, a 'stepped' approach would be taken by the responsible authorities to address this. She advised that conditions could be applied to address concerns relating to the licensing objectives generally, such as noise from disposing of glass bottles, or in relation to the exhibition of a film, but that conditions imposing limits of sound levels relating to live and/or recorded music could not be applied.
- 4.7 In response to questions from Members of the Sub-Committee, and the Legal Advisor to the Sub-Committee, Mr Singh confirmed that previous occupation of the building was likely to have been engineering works, with no planning restrictions. Carl Whitham stated that the building was previously used for the fabrication of stainless steel, operating from 0700 hours to 1700 hours, and he had not experienced any noise problems during the previous occupation. Mr Singh confirmed that he was satisfied that the proposed conditions would address concerns of noise breakout from the premises, but noted that a scheme of sound attenuation works would be at significant cost to the applicant due to the size of the premises.
- 4.8 Samantha Bond advised that, as a deregulated activity, conditions 3, 4, 5 and 9 could not be applied to the application being considered as the Sub-Committee cannot condition activities which are not defined as 'regulated activities'. The

proposed condition 1 would only be in relation to the provision of film.

- 4.9 Peter de Lange stated that currently, noise from businesses operating at Portland Works was intermittent, and had been easily resolved in cases of potential conflict. He hoped that parking, crowd management and security would be satisfactorily managed, and remained concerned about amplified sound due to the fabric of the building. He noted, however, that he had not experienced any noise problems from the previous occupant of the premises.
- 4.10 Carl Whitham stated that he was a tenant of Portland Works and operated a photographic studio between 0900 hours and 2000 hours, and also offered the studio as a hired space. He explained that his main concern was of sound ingress and how this might affect his established business.
- 4.11 Paul Iseard explained that he was Chair of a charity that aimed to raise grant funding to invest in Portland Works, as well as providing an outreach function for education on heritage. As part of this function, monthly lectures were organised in an area that shared a wall with the premises. Mr Iseard noted his concerns relating to the potential for noise breakout, and was of the opinion that this would be best addressed if the applicant was required to provide a noise survey and mitigation plan.
- 4.12 Mr de Lange explained that he had attended several meetings with the applicant, who had provided reassurance in relation to his concerns about security and crowd management, but commented that he still had concerns due to the existing fabric of the building, and whether this could lead to noise breakout from the premises. He added that there were three units in Portland Works that adjoined the site of the application that could be impacted by noise breakout.
- 4.13 Chris Grunert stated that the original application had been wide and flexible in its scope, but had been curtailed in response to representations from the responsible authorities. He re-iterated that the application was for deregulated activities, and the only regulated activity applied for was for film screenings, which would be on an infrequent basis. He stated that this was not an application for a night club, bar or as a live music venue. He added that the applicant was aware that the premises were not suitable for all forms of live and recorded music, and was aware of the requirement to operate in a responsible manner and in-line with the core licensing objectives. He explained that the Environmental Protection Service had legal powers to require abatement of noise in certain circumstances, and that the Licensing Act 2003 also gave powers for the responsible authorities to disapply the deregulation, and request a review of a premises licence if the licensing objectives were not being met. Mr Grunert referred to Condition 1, as requested by the Environmental Protection Service, and was of the opinion that this could be applied to film screenings only, as this would be the only deregulated activity. He was also of the opinion that Condition 2 was unenforceable for deregulated activities, and could not be applied to the premises licence, if granted by the Sub-Committee. He added that the onus was on the applicant to promote the four licensing objectives, which included the prevention of public nuisance, and that the applicant had fully engaged with the responsible authorities and neighbouring premises at Portland Works. He confirmed that the applicant would not undertake live events until such

time as appropriate acoustic works had been undertaken to ensure that noise breakout was adequately controlled. He added that Conditions 6, 7 and 8 reflected the applicant's intended practices. He noted that although the premises had a history of industrial use, there were no recorded incidents of disturbance to neighbouring premises, which he believed indicated that a reasonable level of activity could occur without causing any disturbance. He added that the noise referred to in a representation made was in relation to a sound test that was being carried out. He stated that the applicant intended to be proactive with neighbours, and would provide contact details for them to raise any concerns. He noted that the applicant had requested retail sale of alcohol and film screenings as part of pre-sold pre-planned events. He added that the Suzanna Foulerton-Walker and Louise Glover were experienced in bar management, and, in addition, Ms Glover had experience of organising and hosting events. As the applicant had entered into a 10-year lease on the premises, Mr Grunert believed that this showed commitment to the venture, in a generally busy area of the city, where there were already licenced premises in operation.

- 4.14 Ms Foulerton-Walker explained that the intention was to create a space where creativity and community could flourish, whilst embracing the industrial charm of Sheffield. The premises was a versatile space, which she hoped would become a community hub. Her team had a commitment to responsible practices, supported local business, and aimed to add vibrancy to the neighbourhood and bring investment to the area. The aim was to provide responsible, inclusive and inspiring gatherings, and allow local community groups to use the space during non-opening hours for free. She added that client inquiries so far included a trade show, a recovery and sobriety conference, food fayres, vintage fairs, a silent disco and film screenings.
- 4.15 In response to questions from Members of the Sub-Committee, and the Legal Advisor to the Sub-Committee, it was confirmed that there was currently no music system on site, and that small speakers had been used during the recent Christmas market. The current capacity of the venue was 300, based on toilet provision, and seating was permitted subject to a risk assessment. Mr Grunert advised that open communication would be encouraged prior to events, and a contact would be provided to report any concerns. Door supervisors would be employed to assist with customer dispersal on a risk assessed basis, depending on the type of event, and advice from a health and safety consultant would be utilised when considering lease of rooms to third parties. It was noted that the only time that alcohol 'off-sales' had been utilised was at the recent Christmas market, when alcohol had been sold in bottles as gifts. A Temporary Events Notice was in place for this, and it was hoped for similar fayres to be held in the future. It was confirmed that alcohol provision at the premises would be ancillary to the events that were taking place, and it was also noted that management would be present at all times while the premises were open.
- 4.16 All parties were given the opportunity to summarise their cases.
- 4.17 Shimla Finch outlined the options available to the Sub-Committee.
- 4.18 **RESOLVED:** That the public and press and attendees involved in the application

be excluded from the meeting, and the webcast be paused, 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.

4.19 Samantha Bond reported orally, giving legal advice on various aspects of the application.

4.20 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees, and the webcast re-commenced.

4.21 **RESOLVED:** That, in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, the application for a premises licence in respect of the premises known as No Mild Steel, 109-111 Randall Street, Highfields, Sheffield, S2 4SJ (Ref No. 147/23) be granted in the terms requested, subject to the conditions agreed with the Health Protection Service, South Yorkshire Police, the reduced operating hours and the inclusion of the following conditions:-

1. Amplified sound arising from regulated entertainment shall only take place within the building in such a way that noise breakout does not exceed the prevailing ambient noise level by more than 3dB when measured at 1m from the façade of the nearest noise sensitive receptor;
 - a. as a 15 minute LAeq, and;
 - b. at any one third octave band centre frequency as a 15 minute LZeq.
2. 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;
3. 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 neighbours' needs; and
4. 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 neighbours' needs.

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