

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 1 September 2014

PRESENT: Councillors David Barker (Chair), Jillian Creasy and Anne Murphy

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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 - WALKLEY BEER CO, 362 SOUTH ROAD, SHEFFIELD, S6 3TF

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 Walkley Beer Co., 362 South Road, Sheffield, S6 3TF.

4.2 Present at the meeting were Christopher Challis (Applicant), Rodney Challis (Co-Director, Walkley Beer Co.), Richard Greaves (Objector), Councillor Neale Gibson (representing the 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, in addition to the representations made by Mr Greaves, a petition, signed by himself and six other local residents, objecting to the application, had been received, and which was attached at Appendix 'B' to the report.

4.5 Councillor Neale Gibson stated that Mr Greaves lived in a property adjoining the premises, with half of his living room, in which he spent most of his time, sharing the same party wall. He referred to a number of events held at the premises during the Summer, using Temporary Event Notices (TENs), which had resulted in Mr Greaves being subjected to an element of noise nuisance. Reference was also made to the fact that there was only a single front door to the premises, which could result in issues with regard to noise breakout. Mr Greaves had no issues with regard to the premises being used as a retail outlet, but had concerns with

regard to the on-sales element of the business. He was concerned that the premises could operate similar to a pub, and that if a Premises Licence was granted, and if the premises were consequently sold, the new owner could operate it as a pub. He believed that if the applicant was only giving away small samples of beer for customers to taste, there should be no need for him to apply for a licence to allow him to sell alcohol for consumption on the premises.

- 4.6 In response to questions from Members of the Sub-Committee and Marie-Claire Frankie, Mr Greaves stated that he had owned his property since 1996, and lived there since 2008. He stated that the applicant had held between six to eight events at the premises during the Summer and that during the events, he had witnessed a number of people stood outside the premises, although they were not making excessive noise, nor were they smoking. He confirmed that there had been no issues regarding noise nuisance at the premises in the past as it had been a florist. The problems of noise nuisance generally occurred from 19:00 hours up until the premises closed, and the noise levels increased when there were more customers on the premises. The noise tended to travel through the walls as there was no carpet or sound proofing in the premises. He confirmed that there had been noise issues during each of the events, albeit at different levels, and that he had not contacted the applicant or the Environmental Health Service to discuss his concerns.
- 4.7 Christopher Challis spoke in support of his application, providing an explanation of the business model, which included selling high quality beers from around the world. He had held a number of events, using TENs, during the Summer, both to promote his business and to give local residents the opportunity of discussing any concerns. He confirmed that he had not received any complaints from local residents either during or following the events, and that he had learnt how to deal with any issues, such as noise nuisance, if they occurred in the future. Mr Challis referred to two other similar business ventures in other parts of the country, which operated on-sales in an off-licence, and were located in residential areas. Although he had indicated opening hours of 10:00 to 23:00 hours, it was not likely that the premises would be open till that time every night. He planned to have low level, background music, in the form of a radio in the serving area, with no plans for any piped music, and all licensing activities would take place in one room.
- 4.8 In response to the issues raised as part of the objector's representations, Mr Challis stated that the area in which the premises were located was designated as a local shopping centre in the Council's Unitary Development Plan, and that he believed that he was contributing to the vitality of the area by utilising the premises, particularly as there were a number of vacant premises in the area, which were very unsightly. He was providing a service in that there were very few outlets left in the area which sold alcohol. In terms of the objections, he stated that the tenant living above the premises had not made any representations and out of the seven people who had signed the petition, only three lived in residential properties in the immediate vicinity. Mr Challis had replaced the tables with large benches, which were much less likely to be moved around, thereby minimising any noise nuisance. He confirmed that he had no plans for holding any private parties at the premises, and that he had never operated any events at the premises without applying for a TEN. He would ensure that no customers consumed any alcohol outside the

premises and that all doors and windows would be kept close, save for access and egress. He would not be planning to have an overspill area outside the premises in order to minimise any potential noise nuisance, and the maximum number of people allowed in the premises, at any one time, would be 32, inclusive of staff. He disputed the objector's claims that he had held an event at the weekend of 27th and 28th June 2014, and with regard to the notice of the application, he confirmed that it had been placed in the window at the front of the premises, which had been easily visible. Mr Challis stated that he would be providing an on-sales service on the premises for financial reasons. The difference between the applicant's business and that of a public house was that pubs operated primarily through on-sales, whereas in the applicant's case, the on-sales would only be an ancillary part of the business. In terms of potential noise nuisance, Mr Challis stated that, as the premises were only small, it was easy for him to talk to all his customers and therefore, if he considered that the noise levels were rising, he would ask them to quieten down, which is what he did during the events held in the Summer. It was not likely that customers would remain on the premises for more than two hours, therefore would not be consuming large amounts of alcohol, which could result in them raising their voices. Mr Challis made the point that noise would be more likely to travel at present as there was very little in terms of fixtures and fittings in the premises. He raised the possibility of hanging fabric panels from the ceiling in order to absorb some of the sound, and pointed out that the main seating area was situated to the front of the premises which area adjoined the commercial property next door, as opposed to Mr Greaves' living area. He stated that he had operated the temporary events at the premises partly to enable him to get a better understanding of how to run the business. He had undertaken the relevant Premises Licence Holder training and had plans to undertake the Safeguarding Children course, subject to the decision at this hearing. Mr Challis stated that he would have up to four cask ales, which would be served direct from the barrel and during the temporary events, he only used two of these. He was not aware that the premises were included as part of a pub crawl during the temporary events and his business to date had predominately involved off-sales. He stated that he would be able to differentiate between on and off-sales on his till system if requested to provide proof that the on-sales element was an ancillary part of the business. He added that he would look to offer on-sales on certain days of the week. The bins for empty bottles were situated behind a wall outside the premises and Mr Challis stated that he would ensure that the empty bottles would only be cleared out during daytime office hours, as with all deliveries to the premises.

- 4.9 In response to questions from Councillor Neale Gibson, Mr Challis indicated the size of the premises, using the Committee Room as a comparison. He confirmed that although the on-sales element was ancillary to the business, he could, in effect, offer on-sales up to 22:00 hours. He stated that he had not visited the two premises referred to earlier in the hearing which offered a similar service to the Walkley Beer Co., and was not able to confirm as to whether there were any residential properties within the immediate vicinity of the Rose House Pub. He stated that he had called on the resident living in the flat above the premises to inform him of the application, but had not been able to make contact, so had left a note with his contact number on. He had not heard from him to date. Mr Challis indicated that he was not aware of the new off-licence on Sharrow Vale Road, which operated similar to his premises, whilst not offering on-sales. In conclusion,

Mr Challis stated that even if the business was not operating successfully, he would not look at selling spirits or introducing vertical drinking as he would be in breach of his licence.

- 4.9 Christopher Challis summarised his case.
- 4.10 RESOLVED: That the 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 attendees.
- 4.13 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Walkley Beer Co, 362 South Road, Sheffield, S6 3TF, in the terms requested and subject to the additional conditions as follows:-
- (a) On-sales be limited from between 12:00 and 22:00 hours;
 - (b) Sales be limited to cask and bottled beers only;
 - (c) There shall be no vertical drinking on the premises;
 - (d) All doors and windows to be closed after 19:00 hours, save for egress and access; and
 - (e) Empty bottles be disposed of in the external bins during 09:00 and 17:00 hours.

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