

Licensing Sub-Committee

Meeting held 19 March 2015

**PRESENT:** Councillors David Barker (Chair), Neale Gibson and Vickie Priestley

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Olivia Blake 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 - SOUTH SEA, 3 SPOONER ROAD, SHEFFIELD, S10 5BL**

4.1 The Chief Licensing Officer submitted a report to consider an objection to an application for a Temporary Event Notice, under Section 104(2) of the Licensing Act 2003.

4.2 Present at the meeting were David Hancock (Premises Licence Holder, South Sea), Iain West (Bar Supervisor, South Sea), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services). Paul Thornton (Environmental Protection Service, Objector) did not attend the meeting until such stage when the evidence had been heard by the Sub-Committee.

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that a notice of objection to the Temporary Event Notice had been submitted by the Environmental Protection Service (EPS) on 10<sup>th</sup> March 2015, and was attached at Appendix 'B' to the report.

4.5 David Hancock stated that he had been involved in the operation of the premises for the past 3½ years, and that the venue had been run as a live music venue during this time. He reported on the problems associated with the premises prior to July 2011, referring to a lack of responsibility on the part of previous landlords which, at one stage, had nearly resulted in the premises being closed down. Mr Hancock indicated that he had several years' experience in the music trade, and

believed that by working with the new owner of the premises, and other members of staff, they could establish the premises as a successful live music venue. He referred to the problems faced by the current management in terms of dealing with the past reputation of the premises and stated that, in the absence of any complaints from the police or the Local Authority over the last few years, he believed the management had 'turned the corner'. Mr Hancock made specific reference to the working relationship the premises had held with an officer in the EPS, but who was now no longer responsible for the area of the City where the premises were located. The officer would visit the premises and provide advice in terms of what could be done to minimise noise breakout and the owners had responded to this by undertaking a number of noise attenuation measures. He stated that he took his role as Premises Licence Holder very seriously and that if he had been aware of any complaints of noise nuisance from residents living nearby, he would have taken any necessary action. The owner had recently signed an extension to the lease of the premises for a further five years, which showed a commitment in terms of making a success of the venue and, as a result of this, wanted to make sure he worked closely with local residents in connection with any issues.

4.6 Mr Hancock made specific reference to the fact that the management had not been made aware of any complaints from local residents, linked to the applications for Temporary Event Notices (TENs). He expressed his disappointment and frustration over this, and pointed out that if he or any other members of staff had been made aware, they would have taken steps, either by taking direct action or seeking advice of officers in the EPS, in connection with what action was required. Mr Hancock considered, in his opinion, that the Council should be more pro-active in informing premises' management of complaints received and when he queried why this had not happened, he was informed that there was no officer specifically designated to deal with premises in the area of the City where the premises were located. He stated that it gave the management the impression that the Council was building up a case against them, and was not offering them any right of reply, and requested that they should be informed of any complaints as and when they had been received. In terms of the event held at the premises on 7<sup>th</sup> March 2015, under a TEN, the main PA system had been switched off at 01:55 hours on 8<sup>th</sup> March 2015, and the music was then played through the small speakers. The receipt of a complaint from a local resident had been logged at 02:51 hours on that day, and Mr Hancock stated that this could not have been due to noise breakout following the action taken. Reference was made to the fact that the complaint referred to rowdy behaviour and noise nuisance. The police had visited the premises during the night, on 7<sup>th</sup> March 2015, to ensure that adequate security was in place, and the officer left the premises content. Mr Hancock made reference to problems being faced by independent live music venues across the country, due to the strict licensing laws, which had resulted in a number of such venues being forced to close down. He stated that such venues provided a great opportunity for young people to play live music and hopefully better themselves. In addition to live bands, the premises hosted dance events, which were generally held as part of TEN applications.

4.7 Iain West stated that the management had an agreement with the EPS that the PA system would be switched off at 02:00 hours, and the premises would close at

03:00 hours, which would allow for gradual dispersal of customers, thereby hopefully minimising any noise nuisance. Mr West stated that, as like Mr Hancock, he took his role as Bar Supervisor very seriously and was very sensitive to any complaints received from local residents or the statutory authorities.

- 4.8 In response to questions from Members of the Sub-Committee and Marie-Claire Frankie, Mr Hancock confirmed that the event to be held on 20<sup>th</sup> March 2015, under the TEN, was a friend's birthday party, with a DJ, and would be open to the general public. The event, as with other similar events, would end at 03:00 hours, with the premises being open until this time in order to attract independent promoters, as well as customers, who wished to stay out late. Events at the premises also attracted custom for other premises in Broomhill, such as the takeaways and restaurants. Staff had considered speaking to residents living within the immediate vicinity, in order to seek their views in connection with any noise nuisance issues relating to the premises, but the transient nature of many residents in the area had made this very difficult. Also, on the basis that the venue had not received any complaints of noise nuisance from such residents, it was believed that there were no problems. Mr Hancock stated that he would consider making contact with the residents in the future. Since July 2011, when the present owner took on the premises, when there were live bands playing, the premises would close at 23:00 hours. The management had applied for approximately 20 TENs since July 2011, and had not been notified of any issues regarding noise nuisance for at least 12 months. Mr Hancock stated that he would welcome a close working relationship with the Environmental Protection Service, which they had previously. At the time the management were in close liaison with the Environmental Protection Service, arrangements were made for noise readings to be taken from across the road at the time live music was being played, and the reading was 75 db, which was not considered to be excessive. Staff have subsequently used this reading as a benchmark, and undertake regular readings during events at the premises, using their own equipment. In terms of the steps taken to minimise noise nuisance when the premises closed, there were signs reminding people to leave quietly and, on those nights when there was security, they would stand outside and ask people to keep quiet. The live bands and external promoters would use the premises' PA system which, as it did not have a noise limiter built in, would be set at 73 db, to allow for some leeway with regard to the 75 db maximum level. Mr Hancock stated that, when holding events organised under TENs, the premises would operate under the existing, agreed conditions of the Premises Licence which, he believed, had been amended in 2012 following consultation with the EPS, to alleviate some of the issues which had been identified at that time. Mr Hancock confirmed that there was no official smoking area at the premises, but following discussions with the EPS, it was hoped that a suitable area could be identified and in operation shortly. It had been proposed that the smoking area would be to the rear of the premises. In conclusion, Mr Hancock confirmed that he had not seen or been made aware of any problems following the receipt of the complaint of 'rowdy behaviour' during the event held at the premises on 7<sup>th</sup> March 2015.
- 4.9 David Hancock provided a brief summary of the premises' case.
- 4.10 RESOLVED: That the public and press and attendees involved in the hearing 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 case.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.13 RESOLVED: That the Sub-Committee acknowledges the Temporary Event Notice, and allows the event to go ahead on the proposed date, in accordance with the application now made and the existing licensing conditions.