

Licensing Sub-Committee

Meeting held 12 October 2015

PRESENT: Councillors David Barker (Chair), Neale Gibson and Dianne Hurst

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Roy Munn 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 - ARCH 9, 9-11 WICKER ARCHES, WALKER STREET, SHEFFIELD, S3 8GZ

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 Arch 9, 9-11 Wicker Arches, Walker Street, Sheffield, S3 8GZ.

4.2 Present at the meeting were Michelle Hazlewood (John Gaunt and Partners, Solicitors, for the Applicants), Spencer Fearn and Nicholas Hussey (Directors, Arch 9, Applicants), Katie Johnson (General Manager, Arch 9), Howard Mee (Manor Operatic Society, Objector), Pete Roberts (Purple Wave AV, Objector), Tony Richardson (Fluid HD Limited, Objector), Sean Gibbons (Health Protection Services, Objector), Andy Ruston (Licensing Enforcement and Technical 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 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from the Health Protection Service and two interested parties, and were attached at Appendix 'B' to the report. It was further noted that the representations received from the Environmental Protection Service had now been withdrawn following the agreement of conditions between the Service and the applicants.

4.5 Sean Gibbons reported that there had been a considerable level of dialogue

between the Health Protection Service and the applicants, both prior to, and following the submission of, the application. The outstanding objections raised by the Service related to the capacity of the venue and, following extensive consultation with the applicants, which included numerous site meetings, the capacity had now been reduced from 800 to 515, which comprised 308 in the main ground floor room, 60 in the first floor VIP area and 147 in the mezzanine area. Mr Gibbons confirmed that Building Control Completion Certificates had now been agreed in respect of the ground and first floors, including the VIP area, but the Service was still awaiting the full sign off in respect of the mezzanine area.

- 4.6 In response to a question from the Chair, Mr Gibbons indicated that he was now satisfied that the applicants had taken appropriate action to deal with the Service's concerns, subject to the mezzanine area.
- 4.7 Pete Roberts, who leased Arch 7, and sublet part of the premises to Tony Richardson, Fluid HD Limited, stated that his main aim was to safeguard the investment he had made in his company. He stressed that he did not object to the opening of the nightclub, but had concerns over the operation of the venue. He stated that he had seen a decline in the area, with drug use and dealing being common and, despite the police and Council being aware of the problems, whilst steps had been taken to clear up syringes and other equipment left, there appeared to be no solution in terms of putting a stop to the problems. Mr Roberts stated that both his and Mr Richardson's business units were required for use 24 hours a day, seven days a week, and were often used for voice-over recordings. He was therefore concerned that noise breakout from the premises could have an adverse effect on their businesses.
- 4.8 Tony Richardson also referred to the problems of car parking in the area, indicating that, as a result of people driving to the venue, and leaving their vehicles overnight, it was often difficult for himself and Mr Roberts to park near their business premises, which created problems as they often had to carry heavy, expensive equipment to and from their premises.
- 4.9 In response to questions from Members of the Sub-Committee, Mr Roberts stated that whilst he was aware of the existence of a nightclub at the same location in the 1990s, and the problems associated with that club at that time, he did not necessarily consider that the current operation would be similar to that in the 1990s. He did, however, have concerns, given the location and reputation of the former nightclub. Businesses in the other occupied arches, and the immediate area included a garage, car mechanic, bike repair and sales shop, used car tyre fitters, a scaffolding company and a motorcycle parts shop, with one unit currently being vacant. The previous nightclub had been forced to close on two separate occasions for breaches of the licence conditions, and was eventually closed permanently on the recommendation of the Fire Service. When Mr Roberts leased Arch 7, he had been informed that there would not be another nightclub in the area, therefore had the impression that the area was going to comprise mainly residential/office accommodation. Mr Roberts had contacted the police on a number of occasions to report incidences of drug taking and dealing, with images of such actions being caught on his company's CCTV. Whilst the police had called round to the area on a number of occasions, they had not been able to

catch anyone taking or selling drugs. Whilst Mr Roberts had some concerns in terms of noise breakout from the venue, his main concerns focused around the anti-social behaviour in the area, and the problems associated with car parking, particularly the problems he and Mr Richardson were likely to face when loading heavy, expensive equipment in and out of their business premises.

- 4.10 Howard Mee, on behalf of the Manor Operatic Society, stated that the Society had leased three units, Arches 27, 29 and 31, since 1997, and which were situated directly opposite Arch 9. The units were used by the Society for rehearsals – usually three to four evenings a week – and to make props, hold meetings and store equipment and, as well as the renowned Christmas pantomime at the City Hall, the Society also produced a show at the City Hall in May/June each year, resulting in the units being used throughout the year. There were concerns with regard to the safety of members leaving the premises late in the evening, as well as there being issues with regard to car parking outside their premises. Mr Mee referred to an incident over the Christmas and New Year period, when the Society's premises were being used in connection with the Christmas pantomime, when there were cars and camper vans parked all along Walker Street, with people drinking alcohol and taking and dealing drugs. Syringes and broken bottles had been found outside their doorway and it was considered that the granting of the licence would significantly add to crime and disorder in the area. In addition, it was considered that, as it was an isolated area away from the main entertainment areas in the City, it would not be policed adequately.
- 4.11 In response to questions from Members of the Sub-Committee, Mr Mee stated that the Society's main concerns focused around the safety of its members, who were aged from eight to 80, when arriving and leaving the premises late at night. He added that he would be happy for the nightclub's security staff to keep an eye on the safety of the Society's members, when arriving and leaving their premises.
- 4.12 Michelle Hazlewood, on behalf of the applicants, stated that the premises had been used as a nightclub in the past, and had hosted the internationally renowned Gatecrasher club. The Wicker Arches were owned by Network Rail, who leased the internal units, and as the Arches were Grade 2 listed, this had made the refurbishment works very difficult, as well as expensive. The applicants had spent considerable time and expense in refurbishing the premises, both to create an attractive venue, and in compliance with the requirements of the responsible authorities. It was not considered that there would be major problems with regard to noise breakout from the premises in the light of the existing levels of background noise in the area at present, from traffic and the various garages and car and motorbike repair shops in the area. In addition, the police had raised no objections to the application, subject to a condition with regard to the use of CCRAC (City Centre Retailers Against Crime) radio, which the applicants had agreed to. Whilst it was accepted that there was anti-social behaviour in the area, which included drug taking and dealing, it was considered that the more people attracted to the area would force such behaviour away and help to improve the area.
- 4.13 Ms Hazlewood stated that the Directors had considerable experience in business and the music industry, with one being involved in the promotion of major events

and the other being a well-renowned DJ, having experience in running nightclubs in other major cities, and having a good knowledge of the music industry in general. In addition, the Designated Premises Supervisor had worked with the Directors for 10 years, and was very experienced in running nightclubs. Reference was made to the numerous changes made to the layout of the premises, with the majority of such changes being requested by the responsible authorities, and which had all been made swiftly and to the correct specification. Ms Hazlewood made reference to the first floor, indicating that, when the venue was established, there were plans to use the VIP area as a café during the day, as well as for hosting corporate events. There were also plans to use the mezzanine area, which was considered a very iconic space, for corporate events and exhibition space. In terms of general operational issues, Ms Hazlewood stated that the applicants would be adopting Challenge 25, would be undertaking strict checks of customers entering the venue, which would include having a drop box for any illegal substances or items confiscated by security staff, and there would be CCTV throughout the premises, which met standard police specifications. It was not considered that there would be any major issues in terms of noise breakout from the premises as the nightclub would not be opening until 21:00 or 22:00 hours and, as there was no dedicated stage area, there were no plans to have regular live music. The applicants had worked very closely with the police in connection with the licence conditions, which had included the agreement of a condition relating to the use of CCRAC radio. In terms of security, the applicants would be using the company, Security Alert, as well as employing a number of local security staff, with the team being headed up by a local, well-renowned security officer. The venue had hosted five events at the premises, using Temporary Event Notices (TENs), which had resulted in very little, if no, negative feedback. The applicants had specifically requested feedback from the police following the first two such events, and the police had not chosen not to respond.

- 4.14 Mr Fearn referred to the plans to put on a party bus, to transport customers to and from the venue, which would pick up and drop off customers at given times and locations, which would be advertised prior to events. He stated that this would not only ensure safe travel arrangements for customers visiting the club, particularly for students who may not be familiar with this area of the City Centre, but would also help with the car parking problems on Walker Street.
- 4.15 Ms Hazlewood also referred to the licence conditions relating to the safeguarding of children which had been discussed and agreed with Julie Hague, Sheffield Safeguarding Children's Board. In connection with the concerns raised with regard to noise breakout, Ms Hazlewood stated that the tests carried out at the premises prior to the installation of the sound equipment had indicated a high level of background noise - approximately 60 dB – which dropped to a lower level at night. As a result of the design and insulation installed, and the fact that there was a double-lobby entrance door, it was not considered that noise breakout would be an issue. The decking area to the rear of the premises, which was originally wooden, but was currently being replaced by a metal structure, would have limited use after 23:00 hours, being designated as a smoking area only, with the capacity of 40, and with no drinks allowed in the area. The decking area was also covered by the venue's CCTV. Ms Hazlewood concluded by stating that if

the applicants decided to move on, there would be a safety net in that the current Premises Licence would be transferred to any new owners, with all the existing conditions. There had been no objections from the local Planning Authority and that the parking concerns in the area would be an issue for the Highways Authority to deal with.

- 4.16 Spencer Fearn indicated that he had been born and brought up in Sheffield, thereby having a strong affinity to the area, he wanted to create a successful nightclub for the people of Sheffield.
- 4.17 Nicholas Hussey stated that there was a huge potential in the City for such a club, and that he had received very positive feedback in respect of the plans.
- 4.18 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Fearn referred to the proposed times in terms of the party bus, indicating that, whilst people would leave the club at different times, the party bus would arrive at the venue at closing time, when it was hoped that the majority of customers requiring a lift home, would use the bus. The venue's security staff would also be around to help and guide people leaving the venue. The reduction in the capacity, from 800 to 515, at the request of the Health Protection Service and the Fire Service, would not have a major effect on the venue's income as the applicants had only envisaged around 400 to 500 people attending the club. Whilst consideration had been given to installing UV lighting in the toilets, as a means of deterring drug use, following discussions with the police, it had been decided that this would not be required. Similarly, as regards the entry system, the police had not considered it necessary to have any metal screening equipment. Whilst the plan was to build up customer numbers, both during the day and for the main club events at night, it was not envisaged that there would be anywhere near the capacity number attending the venue during the day. The applicants had discussed the issue of the venue's security staff looking out for any problems in terms of security issues linked to other business premises in the area. Mr Fearn stated that he had discussed this issue with Mr Mee, and would welcome contact from Mr Roberts. Whilst the current entry arrangements involved customers paying cash on the door, as and when the club gained popularity, and for the larger events, entry would be by ticket only. Security staff would be on hand to deal with any problems caused by people not gaining entry. Although there was no condition relating to the clearing up of litter, staff were already undertaking this task, often walking all the way down Walker Street. There would be 22 members of staff on duty during club nights, which figure would be included in the overall capacity of 515. In terms of the external decking area, works had commenced to replace the original wooden decking, with metal decking, with the sides being heightened in order to stop people throwing anything from the area. The specification of the new metal decking would be forwarded to the Health Protection Service for approval.
- 4.19 In response to a question from the Solicitor to the Sub-Committee, the objectors stated that apart from problems of litter on Walker Street, they had no concerns following the events held under the TENs at the venue on 24th September and 1st, 2nd, 3rd and 9th October 2015.

- 4.20 Michelle Hazlewood summarised the case on behalf of the applicants.
- 4.21 Andy Ruston reported on the options open to the Sub-Committee.
- 4.22 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.
- 4.23 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.24 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.25 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Arch 9, 9-11 Wicker Arches, Walker Street, Sheffield, S3 8GZ., in the terms requested, in accordance with the amended operating schedule and subject to the addition of the following condition:-

The morning following the premises being open, the area spanning 100 metres from the front of the premises, will be cleared of litter originating from the use of the premises.

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

5. LICENSING ACT 2003 - 283 ECCLESALL ROAD, SHEFFIELD, S11 8NX

- 5.1 The Chief Licensing Officer submitted a report to consider an application made under Section 34 of the Licensing act 2003 to vary the Premises Licence in respect of the premises at 283 Ecclesall Road, Sheffield, S11 8NX.
- 5.2 Present at the meeting were Chia Hevedi (Applicant), Havin Hevedi (Applicant's partner), Councillor Aodan Marken and Judith Harrison (Objectors), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 5.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from a Councillor and two members of the public, and were attached at Appendix 'C' to the report. One of those objectors did not attend the meeting and the other was unable to attend, but was represented by a friend. Councillor Marken confirmed that he was making representations on behalf of a number of his constituents.

- 5.5 Judith Harrison confirmed that she was attending on behalf of Jill Thompson, who was unable to attend the meeting, and stated that she had lived in the area since 1985. She stated that there were increasing problems of public nuisance on Ecclesall Road, particularly late at night, when background noise levels were lower, resulting in any noise travelling further, having an adverse effect on residents in the area. Ms Harrison made reference to an agreement she believed had been made some time ago, whereby licensed premises on Ecclesall Road were not allowed to open after 23:00 hours. She made specific reference to Papa John's pizza takeaway which was situated very close to the premises and, which opened until 03:00 hours, creating problems of noise nuisance and litter in the area. Ms Harrison concluded by stating that granting yet another licence for the sale of alcohol until such late hours would add to the existing problems of noise nuisance for residents in the surrounding area, particularly children.
- 5.6 In response to questions from the Solicitor to, and Members of, the Sub-Committee, Ms Harrison stated that her understanding of the 'curfew' she had referred to, related to attempts some time ago by the Licensing Authority to restrict licensed premises on Ecclesall Road opening after 23:00 hours. Marie-Claire Frankie stated that there was no such arrangement in place, and that each application would be considered by the Sub-Committee based on its own merits. Andy Ruston added that he believed it was a historic, unofficial arrangement adopted by the Planning Authority, relating to licensed premises on Ecclesall Road, but confirmed that there were not, nor had been, any rules/regulations relating to a 'curfew' on the part of the Licensing Service. Ms Harrison elaborated on her comments relating to how children in the area will be affected, indicating that there were several children who lived on and around the Ecclesall Road area, who would be affected by not being able to get a sufficient amount of sleep to prepare themselves for school the following day, as a result of the increasing levels of noise nuisance in the area.
- 5.7 Councillor Aodan Marken, on behalf of constituents, made reference to the planning application for the premises to open until 03:00 hours, 6 days a week, as Chunky's Fast Food, in 2013, which was turned down, and subsequently confirmed by the Planning Inspectorate on appeal, in February 2014. He stated that he shared the concerns of many local residents and community groups in terms of the potential increase in noise nuisance, anti-social behaviour and littering if this premises was able to open until 03:00 hours. Councillor Marken made specific reference to the Planning Inspectorate's report regarding the decision on Chunky's Fast Food, highlighting the comments relating to the need to strike a balance between business needs and the needs of local residents regarding reasonable living conditions and the residents' concerns about noise and disturbance late at night. Further comments indicated that the opening times, as proposed, would result in the units being open later than surrounding businesses with the exception of one nearby bar, and as such, the takeaway would be likely to draw custom from patrons leaving bars, at closing time, resulting in increased activity in the area around the premises. Such activity could take the form of people congregating in the vicinity of the site, noise from talking and shouting, and an increase in vehicle movements, with attendant engine noise and noise from car doors closing. As a result, there would be greater noise and disturbance to local residents, above that

which currently existed, causing significant harm to living conditions.

- 5.8 In response to a question from Marie-Claire Frankie, Councillor Marken confirmed that he was representing approximately seven/eight members of the Botanical Gate and Broomhill Park Community Associations.
- 5.9 Chia Hevedi put forward his case, indicating that there was a clear difference in terms of his proposed business and the previous business on the premises. He stated that his business would comprise a convenience store, specifically targeted at the local community, selling general convenience food, newspapers, hot drinks and alcohol. He stated that he wanted to continue with the late opening hours – to 03:00 hours – in order to maximise his opportunities in terms of sales. He also stated that he would use the extra hours, both in the morning and at night, for deliveries and arranging stock, when business was more likely to be quiet. Mr Hevedi stated that he would be employing well-trained staff, who would all be familiar with the various rules and regulations associated with the operation of a licensed premises and that he would be having a refusal book and operating the Challenge 25 scheme. Mr Hevedi concluded by stating that he wanted to achieve a good balance between operating a successful business and serving the local community.
- 5.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Hevedi confirmed that he currently managed eight similar convenience stores across the country, which opened until varying times, one being a 24 hour store on Arundel Gate. He confirmed that he would be happy to talk to the Licensing Service and the Sheffield Safeguarding Children's Board in connection with the training of his staff and stated that, whilst he had employed security staff at one of his stores, during late night/early morning, he had decided not to continue with them, as a result of there being little need for security, and from a financial point of view. In terms of measures to stop customers drinking alcohol purchased from the store, outside the premises, Mr Hevedi stated that, whilst he didn't envisage any problems in this regard, he would move anyone on who was seen doing this. It was more likely that he would refuse to serve people who he believed would be likely to consume the alcohol outside his premises. Mr Hevedi indicated that he would be purchasing his alcohol from a reputable supplier. In terms of the late opening hours, Mr Hevedi confirmed that he wanted to maximise sales in order to cover the high rental charges, but stated that, if it was not proving worthwhile from a business point of view, he would close earlier. He envisaged that approximately 30 to 35% of sales would relate to alcohol. There were no plans to sell single bottles or cans as he wanted to target a specific clientele and, whilst he wished to keep his options open in terms of the sale of super strength beer, cider or lager, he did not consider that there would be much demand for this from his targeted clientele. Mr Hevedi would be providing litter bins and would be encouraging customers to use them. Whilst he had not spoken to any community groups or local residents in connection with his plans, on the basis that he was not familiar with any such groups, he indicated that he would like to talk to local people, and seek their comments as to what kind of produce they would like to see on sale in the store. Mr Hevedi stated that he was expecting the majority of his alcohol sales to be between 17:00 and 21:00 hours, on Fridays and Saturdays. Whilst he acknowledged that previously, people leaving bars in the

area had visited Chunky's Fast Food and eaten the food outside the premises, creating a noise nuisance for local residents, he did not envisage people doing the same in terms of purchasing alcohol from his store. He considered that the majority of his customers would comprise people walking home from work, and purchasing a bottle of wine or spirits. Mr Hevedi did not envisage any deliveries to the premises early in the morning or late at night as the company he would be purchasing the majority of his produce from had set delivery times. It was planned that the stock would be left at the rear of the premises and, when convenient, and depending on the nature of the produce, the goods will be moved into the store. Although Mr Hevedi had similar stores in London, he had recently relocated to Sheffield, therefore would be spending a lot of time managing and keeping an eye on his businesses in the City.

- 5.11 Mr Hevedi summarised his case, stressing again that his business would be totally different from Chunky's Fast Food, which previously operated from the premises.
- 5.12 Andy Ruston reported on the options open to the Sub-Committee.
- 5.13 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.
- 5.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.16 RESOLVED: That the Sub-Committee agrees to grant a variation to the Premises Licence in respect of 283 Ecclesall Road, Sheffield, S11 8NX, in the terms now requested.

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

6. LICENSING ACT 2003 - OMG, 53-59 WEST STREET, SHEFFIELD, S1 4EQ

- 6.1 The Chief Licensing Officer submitted a report to consider an application made under Section 34 of the Licensing Act 2003 to vary a Premises Licence in respect of the premises known as OMG, 53-59 West Street, Sheffield, S1 4EQ.
- 6.2 Present at the meeting were Andy Grimsey (Popleston Allen, Solicitors, for the Applicants), Mathew Causon (Applicant), Councillor Rob Murphy and Sona Mehra (Objectors), Neal Pates (Environmental Protection Service), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

- 6.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 6.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from two local residents and a local Councillor, and were attached at Appendix "C" to the report. It was further noted that representations from a local resident and the Environmental Protection Service had been withdrawn following discussions with the applicants and the agreement of conditions with the applicants, respectively. Neal Pates attended the hearing to respond to any questions raised.
- 6.5 Councillor Rob Murphy, making representations on behalf of four constituents, stated that he was objecting to the application on the grounds of public nuisance and, despite the withdrawal of the representations by the Environmental Protection Service, he requested that the Sub-Committee gave serious consideration to the issues being faced by residents living in this area of the City Centre, regarding noise nuisance and anti-social behaviour, particularly as the opening hours of venues was being extended further into the night/early morning, leaving them with a very small window of uninterrupted sleep. Councillor Murphy stressed that he had no objections to the venue opening, but had concerns regarding the impact of the venue opening until 04:30 hours Friday and Saturday, and 03:30 hours Wednesday and Thursday, on residents living nearby. He pointed out that it was not simply a case of noise nuisance whilst the venue was open, but local residents had to put up with noise associated with people leaving the venue, as well as by taxis arriving to pick customers up.
- 6.6 Sona Mehra reiterated the concerns raised by Councillor Murphy, stating that whilst she accepted that her family would have to put up with a certain level of disturbance living in the City Centre, her main concern was the fact that once one venue applied to extend its opening hours, others were likely to follow, resulting in local residents living nearby such venues getting very little sleep. Ms Mehra stated that, at the present time, things had generally quietened down by 04:30 hours, which enabled her and her family to get some sleep before Supertram and the cleaning services started between 06:00 and 06:30 hours. If this venue was to open until 04:30 hours, by the time everyone had moved out of the area, it would be nearly 05:30 hours, thereby reducing the quiet time to allow for sleep. Ms Mehra also made reference to the fact that the viewing balcony of the premises was straight in the line of vision with her apartment, resulting in people being able to see into her apartment. This meant that she had to have her curtains closed nearly all night.
- 6.7 In response to questions from Members of the Sub-Committee and the applicant's representative, Ms Mehra stated that when she moved into her apartment some years ago, the majority of venues closed at 24:00 hours and she had been informed that any changes to these times would be undertaken in consultation with residents living nearby. If she had known that opening hours were as they are now, she would not have moved there. Ms Mehra stated that she had two children, and her daughter was doing her GCSEs in 2016, and was concerned that her inability to have a decent night's sleep would have an adverse effect on her ability to study and revise for her exams. She had contacted the Environmental

Protection Service on a number of occasions to report problems of noise breakout from venues in the area, only to be informed of the difficulties the Service faced in attempting to undertake noise level testing when the venue was open. The Service was not responsible for, and would not investigate, any issues of noise nuisance caused by customers leaving the venues. Ms Mehra stated that on Friday and Saturday nights, her family regularly had to put up with shouting and often witnessed people vomiting and/or urinating on the street below their apartment. Although the apartment was double-glazed, they were often unable to open their windows in summer due to the noise levels from outside. She also made reference to the fact that the venue's VIP gallery was situated in line with one of their bedrooms, resulting in the family having to keep the curtains closed most of the time, and them being unable to use their own balcony. Councillor Murphy supported Ms Mehra's views, by stating that whilst he accepted that people lived in the City Centre by choice, when the vast majority of people moved some years ago, when the first apartment blocks were constructed, all the venues were closed by 02:00 hours.

- 6.8 In response to questions from Members of the Sub-Committee, Neal Pates stated that the Council received frequent complaints of noise nuisance regarding licensed premises on West Street, and whilst some were made directly to the Environmental Protection Service, they were mainly received through the '101' non-emergency number. It was very difficult to target the noise nuisance to one particular premise, particularly in the area around the bottom of West Street, where there were a number of licensed premises. The Service was able to respond to complaints of noise breakout related to licensed premises more effectively, as opposed to complaints where noise was being generated by people leaving venues, and walking through town. However, although officers visited premises, following complaints, it was very difficult for them to carry out noise level testing when there was a large number of people around, with several of them being drunk. A large number of cases, where the Service had undertaken noise level testing in terms of noise breakout relating to licensed premises, had resulted in conditions being placed on venues' Premises Licences. Mr Pates stated that problems regarding anti-social behaviour outside venues, including glasses being taken outside and broken, was the responsibility of the police or the Health Protection Service. Whilst conditions imposed on venues were effective in monitoring/limiting noise levels, the only way to stop problems of noise nuisance outside venues would be to reduce opening hours.
- 6.9 Andy Grimsey put forward the case on behalf of the applicants, indicating that whilst he understood the concerns of local residents in terms of the extension of opening hours, there were sufficient safeguards in place, and a number of ways of dealing with problems linked to licensed premises. He stated that Mathew Causon had met with representatives from all the relevant authorities in August 2015, to discuss the proposals, and the outcome of such discussions had assisted him in drafting the application for the variation of the Premises Licence. Mr Grimsey highlighted the fact that, following the submission of the application, there had been no outstanding objections from any of the responsible authorities and, following discussions with one of the local residents who had objected to the application, the resident had subsequently withdrawn her objections. Mr Causon stated that his company managed a number of gay clubs across the country, but

mainly concentrated in the south, and that the venues were well known for attracting Lesbian, Gay, Bisexual, Transgender (LGBT) people from a large catchment area. The plan was to create a community venue, and would be targeting a specific clientele. Extensive noise attenuation measures had already been undertaken at the premises, with acoustic foam being installed on the facade fronting on to West Street.

- 6.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee, and the objectors, Mr Causon stated that the gay club scene was seen as a very safe environment, and he wouldn't wish to compromise this by admitting anyone he considered would adversely affect the atmosphere at the venue. In addition to this, there were no plans to televise any sporting events or hold any activities of a similar nature. Whilst there were plans to consult with the LGBT community in Sheffield, due to the amount of work required at the premises, Mr Causon had only been in contact with the two Universities. If large groups of people tried to gain entry to the venue late on, they would not be let in. In terms of consultation with local residents and local community groups, Mr Causon stated that he had spoken to a woman who represented one community group, and had emailed a number of other local residents in connection with the application.
- 6.11 Andy Grimsey summarised the case on behalf of the applicants.
- 6.12 Andy Ruston reported on the options open to the Sub-Committee.
- 6.13 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.
- 6.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 6.15 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 6.16 RESOLVED: That the Sub-Committee agrees to grant a variation to the Premises Licence in respect of OMG, 53-59 West Street, Sheffield, S1 4EQ, in the terms requested, and in accordance with the amended operating schedule.

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