

Licensing Sub-Committee

Meeting held 19 April 2016

PRESENT: Councillors David Barker (Chair), Anne Murphy and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Neale Gibson.

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 - WADSLEY HOUSE SOCIAL CLUB, THE DRIVE, SHEFFIELD, S6 4AL

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 Wadsley House Social Club, The Drive, Sheffield, S6 4AL.

4.2 Present at the meeting were Mike Royles (Director, Wadsley House Social Club, Applicant), Dennis Law (Chairman, Wadsley House Social Club, Applicant), Alan Antcliff, Tony May, Stephen Rhodes, Helen Robertshaw and Matthew Rush (Objectors), Georgina Hollis (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 Georgina Hollis presented the report to the Sub-Committee and it was noted that representations in respect of the application comprised two letters of support from local residents and 21 objections from members of the public, including a petition containing 162 signatures, details of which were attached at Appendix 'C' to the report.

4.5 Matthew Rush, who was speaking on behalf of a number of the objectors, stated that he was objecting to the application on the grounds that there would potentially be an increased risk of anti-social behaviour and crime, as well as public nuisance, and that there could be potential harm to children. He stated that the premises were close to a number of residential properties, as well as being situated near Marlcliffe Primary School and the Corner House private nursery. There had

already been a number of incidents of public disorder and crime that had occurred when events had been held at the Club and, on the basis that the main entrance is only a short distance from a number of houses on The Drive, residents often suffered noise nuisance, which included music, people leaving the premises to go outside to smoke and drink and people talking loudly when waiting for taxis late at night. As the car park was not very big, a number of visitors parked outside residents' houses, which created noise issues when they were leaving after events had ended. Neighbours had complained about having glasses left outside their properties, people sitting on their garden walls and it was believed there had been damage caused to cars on The Drive after events. He stated that extending the opening hours at the Club would increase the potential for problems associated with the Club. Mr Rush stated that, whilst he and other residents had held back in terms of making formal complaints, mainly due to the expectation of having to put up with a certain level of disruption in living so close to a social club, he and a number of other residents had had cause to complain to the Club and the Licensing Service in connection with incidences of anti-social behaviour. Mr Rush stated that his family were frequently woken by the noise, and that he understood that there had been an argument and fight, involving several adults, on The Drive, following an event at the Club. He was particularly concerned for the safety and wellbeing of his children, as were a number of other residents. He stressed that he was happy to have a successful social club near his property, as long as the conditions of any Premises Licence were adhered to, but expressed some level of concern at the fact that, as there had been issues in the past, he envisaged that extending the opening hours would only make the problems worse. Mr Rush also stated that he did not consider that the Club did enough to reach out to the local community, such as organising an open day, or encouraging local residents to become members. In terms of the opposition to the application, Mr Rush stated that only two letters of support had been submitted, one of which was from a member of the Club, and that 15 of the 17 residents on The Drive had signed the petition objecting to the application. Neither he or any other residents had maintained any form of log, registering the incidents, as they did not wish to appear to be making life difficult for the Club. Mr Rush also made the point that the objectors had had very little time to prepare their representations. He stated that, on the basis that the application for the extension of hours was being made partly to make the Club more financially viable, he believed that the Club could try more imaginative ways of increasing its income, such as changing its constitution and having more daytime activities. He concluded by stating that he simply wanted what was best for the local community, and believed that the application would be counterproductive for both the Club and the local community.

- 4.6 Prior to further comments from the objectors, Georgina Hollis stated that following a complaint to the Licensing Service in terms of the operation of the Club under its existing licence, it was suggested to the Club's Directors that a change to the Premises Licence would be the best way forward. Following an inspection of all social club certificates in Sheffield, it became apparent that the Directors were wanting to have more private functions, presumably to maximise income, and the Service had therefore advised them to submit an application to amend the existing Premises Licence. Licensing Officers visited some Club members to discuss this issue. The Officers did not find any evidence of a breach of the terms of the existing Club Premises Certificate as they did not visit the Club itself.

- 4.7 Helen Robertshaw stated that she had lived next door to the Club for just under 11 years, and considered that, if the application to extend the opening hours was granted, this would result in more alcohol being consumed which, in turn, would have the potential for increasing noise levels, anti-social behaviour and crime. The local residents did not have confidence in the Club, in terms of taking any pro-active approach to tackling problems of noise nuisance, on the grounds that promises had been made before, and not adhered to. Whilst noise levels reduced when doors and windows at the Club were kept closed, most residents living within the immediate vicinity of the premises could still hear a certain amount of noise when private functions were being held. In addition to this, residents had been led to believe that the music would stop when the doors opened, which had not been the case. Ms Robertshaw stated that she was aware that a number of residents had visited the Club, requesting that the music be turned down. She also believed that the Directors should explore alternatives in terms of increasing the Club's income.
- 4.8 Tony May stated that, as with the other objectors in attendance, he was supportive of the Club, but considered that there had to be limits, as well as a level of reasonableness in terms of the activities it carried out. He stated that a number of people worked shifts and a number of families had young children, who would all suffer in terms of lack of sleep due to noise levels. Mr May also stated that he considered the Club's Directors could utilise the premises as a community centre during the day, such as arranging activities for older people, and also had the view that the Club's Directors did not do enough to involve the local community.
- 4.9 Stephen Rhodes, who had lived very close to the premises for 29 years, stressed that he would wish the Club to remain open and be successful, on the condition that it worked alongside the local community, and was more pro-active in terms of dealing with any residents' concerns. He also believed that if the application was granted, there would be a likely increase in noise nuisance. He believed there were issues in terms of the people attending private functions not being members of the Club. In terms of the private functions, he stated that he was aware of local residents being affected by the noise, and by people, usually children, climbing on, or over boundary walls, and considered this to be a serious issue as he, like many other families, liked to enjoy the privacy of his garden. Mr Rhodes was concerned with regard to the safeguarding of children, who were often left to play in the Club's grounds, sometimes unsupervised. He concluded by stating that he supported all the other comments made by the other objectors.
- 4.10 In response to questions from members of the Sub-Committee, Marie-Claire Frankie, Georgina Hollis and the applicants, it was stated that, whilst there was no formal log or record, local residents had attended the premises on a number of occasions to raise the issue of, or to complain about, noise nuisance. The residents had put up with a number of issues regarding noise nuisance and anti-social behaviour, partly due to the acceptance of living close to a social club and as they did not want to cause any friction. Some residents had made telephone calls directly to the Club, but had not called at the premises for fear of reprisals. Reference was made to a mass brawl outside the premises some time ago, which had resulted in a resident contacting the police. There had also been incidences of

flowers being removed from residents' gardens. The residents envisaged that there would be continuing problems of noise nuisance, particularly when there were private functions at the Club, which not only ended when the music stopped playing, but continued when people left the premises, when further noise nuisance was suffered from people either getting in their cars, waiting for taxis or walking home. Some residents had called the '101' number, but had been met with frustration due to the long delays in getting through. Others had visited the Club to complain about the noise, and had written to the Licensing Service to complain about people stood outside using foul language. Reference was made to the fact that the other people who had raised objections, and who had not been able to attend the meeting, had also been forced to make contact with the Club, or complain to one of the responsible authorities. Of the objectors in attendance at the meeting, two had indicated that they had joined the Club as members when they first moved into the area, but both memberships had now lapsed, and both indicated that they didn't particularly feel welcome. Two of the other objectors indicated that they had never joined as members, one indicating that he was not aware of any attempts to increase membership which, in his opinion, made it feel like local residents were not welcome. All the objectors present made it clear that they did not wish the Club to fail in any way, but considered that more could be done, specifically in terms of letting the Club out for more community activities, like at Wadsley Church Hall. It was considered that if the Club changed its constitution, it would be able to do a lot more, and make better use of the space. They also considered that if they had taken the trouble to discuss their plans with local residents prior to submitting the application, there may not have been any need for this meeting. The problems of noise nuisance usually only occurred when there were private functions at the Club, which were usually held most weekends. Due to the close proximity of a number of houses to the premises, it was considered that the application to extend the opening hours was not suitable. There were also other times during the day, when there were incidences of increased noise levels, such as during bowling matches and when football matches were televised. Noise levels would generally increase when the weather was better, with more people taking their drinks outside and more children playing in the play area. Noise levels had increased over the years as a number of residents had tidied their gardens by cutting down trees and shrubbery back, which used to act as a sound buffer. In terms of engagement with local residents, it was reported that, apart from flyers being posted through the doors of residents some time ago, inviting them to become members of the Club, nobody from the Club had visited any residents living within its immediate vicinity. The three objectors who lived on The Drive suffered particular problems regarding noise nuisance, as well as problems regarding access and egress to their properties when functions were held at the Club due to people parking on the highway. Apart from the noise caused by the music, several people who attended functions often congregated outside the main entrance, which faced straight down The Drive, and the noise from them talking, particularly late at night, travelled straight down the road. There were rarely any issues regarding noise nuisance when there were no private functions at the Club, but when there was a private party, with the resident DJ, most of the residents living within the immediate vicinity of the Club were affected by the noise. The objectors pointed out the location of their properties on an aerial photograph circulated at the meeting. The applicants also circulated a number of photographs in order to assist the Sub-Committee. One of the objectors indicated that, on

occasions, his children had played on the play equipment on the Club's premises. He also stated that he had booked two parties at the Club, one when he was a member and the other when his membership had lapsed.

- 4.11 Dennis Law, on behalf of the applicants, stated that he had been Chairman of the Social Club for around 30 years, and that the Club, which had around 173 members, aged between 30 and 85, had been operating for 95 years, and was a well-managed facility. He made the point that if the Club had not been well-managed during this time, it would not be open today. It was not the intention of the Directors to run the Club as a public house, and they had only applied for the extended hours to increase the opportunity for maximising income. Mr Law stated that the Club usually only opened at 10:30 hours for special occasions, such as weddings, funerals, christenings and key bowling matches, and that the extended opening hours would only apply when private functions had been booked at the Club. In response to comments raised by the objectors regarding the Club not being welcoming to local residents, Mr Law stated that it was a private club, therefore they were not allowed to advertise for members. He further apologised to the objectors if they considered that they had not been welcomed. In terms of noise nuisance outside the premises, he stated that it was not entirely the Club's fault in that, following the change in policy by the Government some time ago, with regard to smoking, people were now forced to go outside to smoke. The majority of the Club's members lived in the area and the aim was to provide a social function for members, rather than operate it as a public house. The Club's management made every attempt to keep noise levels down and did not wish to be viewed as being obstructive to local residents. With regard to the petition objecting to the application, Mr Law stated that he believed that a number of people who signed it were under the impression that the Club was planning to change how it operated, and run like a public house, and believed that a number of such people would not have signed the petition if they knew exactly what the plans were.
- 4.12 In response to questions from members of the Sub-Committee, Marie-Claire Frankie, Georgina Hollis and the objectors, it was stated that whilst a number of local groups and organisations had hired out the premises in the past, including the Women's Institute and a Keep Fit group, they were no longer willing or able to pay the rental charges. Generally, the Club did not open during the day, particularly during the week, and would only open for bowling matches, and even then, the bar would not be open unless it was a key match. In terms of the safeguarding of children, the parents attending the Club were asked to supervise their children, and it was made clear that children should not play on or around the bowling green. Every attempt was made to keep noise levels down in order not to disrupt the lives of the local residents and, on a number of occasions when private functions had been held at the Club, staff had asked the DJ to turn the music down when they considered it too loud. It was very rare for there to be any problems with regard to noise nuisance or anti-social behaviour when there were no private functions. There were notices on the doors, and all around the Club, reminding people to keep noise levels down, particularly when leaving late at night. Mr Law stated that, unless the management had any particular concerns about a particular person, any member of the public was able to book a private function at the Club, and if they wanted a disco, they would be required to use the Club's resident DJ. Whilst there has not been any official testing of noise levels in neighbouring properties, the

Club's management had carried out noise level testing from outside the premises. In terms of noise breakout, every attempt was made to keep the door to the bowling green closed, and there was a double-door lobby at the front entrance to the premises and, again, every effort was made to ensure that at least one of these doors was closed, particularly when there was music playing. In terms of other controls, it was stated that officers from the Council's Environmental Protection Service and the Fire Service had visited the premises to provide advice in terms of the maximum number of people allowed to be present at the Club. He stressed that they would not book a function if it was apparent that large numbers of people would be attending, and if there were any issues in connection with this, the Club's bar staff would be expected to deal with them. The Club would generally host one private function a week, usually on a Friday or Saturday night but, of course, this was not guaranteed. The Club was expensive to run, and the income raised from such functions comprised a large proportion of the Club's income. The management had been advised by the police to undertake a risk assessment in connection with each private function, including whether any door staff were required but, to date, this had not been considered necessary. The Club's car park could accommodate approximately 30 cars and, apart from some events and functions, when there had been instances of people having to park on surrounding roads, there was usually sufficient space. In terms of provision for smokers, it was stated that there was a purpose-built shelter, which the management encouraged people to use, but not everyone used it. The vast majority of people who booked private functions at the Club lived within walking distance of the premises. A number of members had also booked functions at the Club. Thirty-one private functions had been held at the Club, from October 2014 to September 2015, mostly on Friday or Saturday nights. When booking private functions, the organiser was told that they should only be using the function room and whilst there were notices in the Club indicating this, it was very difficult for staff to stop people going outside. There was a switch-off mechanism linked to the music system, which turned the music off when noise levels reached a certain level, but this was not working at the present time. Staff carried out regular checks in terms of volume levels, from the car park. When there was a bowling match being held on the premises, the bar would generally be open from 10:30 hours to 18:00 hours. It was stated that, if the application was granted, the management would take steps to improve the running of the Club, to include ensuring that the automatic switch-off in terms of amplified music was operational, ensuring that at least one of the two doors at the main entrance and the doors to the conservatory were closed whilst music was playing and ensuring that the premises were wheelchair accessible. It was rare that a private function would be held at the Club following a bowling match during the day. The Club would be aware of the dates and venues for all bowling matches, which usually took place on Saturday or Sunday afternoons. There would generally be one bar open when there was a bowling match on, but if it was considered necessary, due mainly to the numbers in attendance, the second bar would be opened.

- 4.13 In response to further questions, it was stated that it was very difficult for the Club to manage the behaviour of its members outside the Club's premises, but if management were aware, or were informed by local residents of any of its members causing trouble outside the premises, appropriate action would be taken. There were four CCTV cameras operating on the premises, with images being kept

for a week, and were available for inspection by the responsible authorities. There was a monitor behind the bar, but it was not being watched all the time. The Club would determine, as part of its risk assessments in connection with private functions, whether door staff were required but to date, there had been no need to hire any such staff. Although the management had applied to extend the opening hours on Fridays and Saturdays to 01:00 hours, it was not expected that the Club would remain open until this time very often and, alcohol would not be served up to this time. The reason for making the application had predominantly been as a result of discussions with the Council's Environmental Health Service and the police, but the management had also taken residents' considerations into account.

- 4.14 At this point in the proceedings, Georgina Hollis provided advice on the application and consultation process.
- 4.15 In response to further questions, it was stated that all members and guests should be required to sign in when attending the Club, including guests attending private functions. The only time when the Club would have the option of opening until 03:00 hours would be on New Year's Eve. In terms of local residents having someone to contact in the light of any problems, one of the Club's Directors was usually present at the Club during opening times. The Club's management had not explored any other options in terms of maximising the use of the premises on the basis that it was a limited company, and they were happy with the model they had got. In terms of the monitoring of noise levels, it was stated that officers from the Council's Environmental Health Service visited the residents at 18 The Drive some years ago, to undertake testing from the property, and found the noise levels to be too high. This had consequently resulted in the Club being required to install double-glazing and air conditioning. It was believed that no further such testing had been undertaken since then.
- 4.16 The applicants indicated that they had nothing further to add in terms of summarising their case.
- 4.17 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.
- 4.18 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.19 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.20 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Wadsley House Social Club, The Drive, Sheffield, S6 4AL, in the terms detailed below and in accordance with the modified operating schedule and additional conditions, as follows:-
- (a) No alcohol is to be sold or supplied otherwise than to the following persons:-

- (i) members;
 - (ii) bonafide guests of members, provided that such a member enters the name and address of the guest in a book kept by the Club for that purpose;
 - (iii) persons attending private, previously organised, functions, which are not open to the public at large; and
 - (iv) any member of the Club, team or sports body, in an organised game or contest on the Club premises, in a pre-arranged match, game or contest and any official attending the premises in connection with such a match, game or contest;
- (b) Names and addresses of all members to be kept on site and made available for inspection;
 - (c) Persons under 16 must be accompanied and supervised by a responsible adult at all times and be off the premises by 22:00 hours unless attending a private, pre-booked function;
 - (d) Smoking is to take place in the designated smoking area only;
 - (e) Amplified music is to be passed through a noise limiter, at an agreed set level by the Environmental Protection Service to ensure that noise from the premises shall not cause a nuisance to any local residents;
 - (f) Noise or vibrations shall not emanate from the premises so as to cause a nuisance to nearby properties;
 - (g) When a function is underway, the conservatory doors are to be used to access the smoking area;
 - (h) Windows and doors must be closed, save for access and egress, after 18:00 hours;
 - (i) No alcohol shall be taken outside during functions;
 - (j) All regulated entertainment for functions is to be booked through the premises;
 - (k) The Challenge 25 scheme will be adopted and used in the premises;
 - (l) 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 August 2013);
 - (m) The CCTV images will be stored for 28 days and the police and authorised officers of the Council will be given access to the images for purposes in connection with the prevention and detection of crime and disorder; further, members of the management team will be trained in the use of the system;
 - (n) All under 18 year olds attending private parties are to be signed in by a

responsible adult:

- (o) Clearly visible notices shall be placed on all exits reminding patrons to respect the neighbours;
- (p) A phone number is to be placed on a noticeboard where a Director in charge can be contacted at all times the premises are open;
- (q) A list of functions shall be maintained on the noticeboard detailing the date, time and nature of the event; and
- (r) The hours the premises are open to the public shall be:-

Sunday - Thursday 10:00 hours - 00:00 hours

Friday and Saturday 10:00 hours - 01:00 hours the following morning

Hours for the sale of alcohol:-

Sunday - Thursday 11:00 hours - 23:00 hours

Friday and Saturday 11:00 hours - 00:00 hours

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

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