

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 18 August 2016**

**PRESENT:** Councillors Alan Law (Chair), Anne Murphy, Moya O'Rourke and Josie Paszek

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**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 Councillor Anne Murphy declared a personal interest in Item 5 on the agenda (Nether Edge Bowling Club), as she knows the owner of the premises, and left the room for the duration of its consideration.

**4. LICENSING ACT 2003 - NETHER EDGE BOWLING CLUB, 8 NETHER EDGE ROAD, SHEFFIELD S7 1RP**

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 Nether Edge Bowling Club, 8 Nether Edge Road, Sheffield S7 1RP.

4.2 Present at the meeting were Richard Taylor (Nether Edge Bowling Club Committee Member), Michelle Pieprzak (Designated Premises Supervisor), Shelley Marshall (Licensing Enforcement and Technical Officer), Louise Bate (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Louise Bate outlined the procedure which would be followed during the hearing.

4.4 Shelley Marshall presented the report to the Sub-Committee and it was noted that representations had been received from two members of the public, and these were attached at Appendix 'D' to the report. The objectors had been invited to attend the hearing, but had asked that Shelley Marshall read out their objections in their absence.

4.5 Richard Taylor gave a brief history of the bowling club, stating that it had been founded in 1867 and had had 150 trouble-free years in operation. He added that the Club is situated in the middle of the Nether Edge area and predominantly provides sporting activities for the over 50s. He went on to add that the building is a beautiful old one, situated within nice surroundings and the purpose of the

application is to raise money to maintain its standards.

- 4.6 Michelle Pieprzak stated that she is the Designated Premises Supervisor (DPS) and runs the Club on a voluntary basis. She further stated that the Club already holds a Club Premises Certificate and the application is for a premises licence to run alongside the Certificate, with the aim of opening up the bar to the general public for organised social events and private hire functions. Ms. Pieprzak added that any functions which have been held at the premises had been carefully vetted and there have never been any 18<sup>th</sup> or 21<sup>st</sup> birthday parties held. She further added that the premises have been used by the Salvation Army, the Nether Edge Neighbourhood Group meetings and to host the Nether Edge Farmers Market, all of which have usually finished by 7.00 p.m. Ms. Pieprzak stated that the premises are situated within very large grounds, behind a high wall, and she had spoken to the residents nearby and had explained the reasons behind the application. She went on to state that any music events which had been held at the premises were either folk or acoustic music so there was very little noise emanating from the Club.
- 4.7 Michelle Pieprzak felt that there would be no increase in traffic and that any bookings for functions received by the Committee would be carefully vetted by her as DPS to ensure that the licensing objectives were not breached.
- 4.8 In responses to questions from Members of the Sub-Committee, Michelle Pieprzak stated that the Club could hold up to 80 persons, so by modern standards, would not be considered large enough for weddings and there are meetings of the Bowling Club held on Saturdays during the season, so the premises would not be available for hire. She added that there had never been any complaints regarding noise coming from the Club, and there was more noise emanated from the public house up the road opposite the blocks of flats.
- 4.9 Michelle Pieprzak then informed the Sub-Committee, that following an inspection carried out by the Environmental Health Service, it was suggested that the situation of the toilets were unsuitable in relation to the kitchen area, thereby she produced a new plan which she and the Committee considered would be a way round the problem. She said that she had awaited a written report from Environmental Health but had received nothing at all from them. Ms. Pieprzak summed up by stating that the application had been made to replicate the current Certificate in order to open up the Club to non-members with a view to raising funds to maintain the building.
- 4.10 Shelley Marshall outlined the options open to the Sub-Committee in relation to the application.
- 4.11 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.

- 4.12 Louise Bate reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.14 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of the Nether Edge Bowling Club, 8 Nether Edge Road, Sheffield S7 1RP, as follows:-
- (a) for the whole of the premises but with the restriction of a maximum of 50 persons;
  - (b) the use of glass alternative drinking vessels shall be utilised in accordance with the premises assessment of risk;
  - (c) it is considered that for the nature of the operation, door supervisors will not be required. A risk assessment will be undertaken should unusual events take place and if the premises consider it appropriate they will employ the same;
  - (d) provision of live music to cease at 19.00 in the external area; and
  - (e) subject to no objections being received, and the alterations to the toilets being completed to the satisfaction of the Environmental Health Service, a review of the licence in 12 months' time.

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

**5. LICENSING ACT 2003 - DAM HOUSE, MUSHROOM LANE, SHEFFIELD S3 7NZ - OBJECTION TO A TEMPORARY EVENT NOTICE**

- 5.1 The Chief Licensing Officer submitted a report to consider an objection to a Temporary Event Notice relating to Dam House, Mushroom Lane, Sheffield S3 7NZ, under the Licensing Act 2003.
- 5.2 Present at the meeting were Harminder Bains (Business Partner, Dam House), Jonathan Round, (Environmental Health Officer), Shelley Marshall (Licensing Enforcement and Technical Officer), Louise Bate (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 5.3 Louise Bate outlined the procedure which would be followed during the hearing.
- 5.4 Shelley Marshall 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 11th August, 2016, and was attached at Appendix 'B' to the report.
- 5.5 Harminder Bains stated that he was surprised to learn that an objection to the

Temporary Event Notice had been made following complaints received after the recent Tramlines event. Mr. Bains felt that the complainants could possibly have thought the music was coming from the Dam House, when in fact it was more likely to have been from events held at Ponderosa. He added that Dam House had always worked closely with the responsible authorities to ensure the licensing objectives were not breached. Mr. Bains then referred to the forthcoming event which was the reason for the submission of the temporary event notice. He stated that it was the same event as had been held last year when there had not been complaints and he saw no reason why there should be any this year.

- 5.6 In response to questions from members of the Sub-Committee, Mr. Bains stated that, following the visit from Environmental Health Officers, he had purchased a sound monitoring device from the internet, but as yet had been unable to use it to its full potential. He did not anticipate the event carrying on after 9.00 p.m. He further stated that his staff would clean the area of any litter dropped in the area surrounding the premises but added that he could not be responsible for litter in the whole park. When asked if the event would be held outdoors, Mr. Bains responded that it would be weather dependent, it would definitely not carry on into the following morning as historically people tended to leave by 10.00 p.m. Mr. Bains agreed to work again with officers from Environmental Health with regard to installing noise limiters.
- 5.7 Shelley Marshall outlined the options open to the Sub-Committee in relation to the application.
- 5.8 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.
- 5.9 Louise Bate reported orally, giving legal advice on various aspects of the case.
- 5.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.11 RESOLVED: That the Sub-Committee agrees to acknowledge the Temporary Event Notice, allowing the event to go ahead on the 28<sup>th</sup> August, 2016, subject to the following conditions:-
- (a) the event be held between 12 noon and 11.00 p.m.;
  - (b) the event only be held outdoors until 9.00 p.m.; and
  - (c) the doors to the terrace be closed at 9.30 p.m..

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