

MEETING OF THE LICENSING SUB-COMMITTEE

held 23rd February 2012

PRESENT: Councillors John Campbell (Chair), Isobel Bowler
and Philip Wood.

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1. WELCOME AND HOUSEKEEPING ARRANGEMENTS

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

2. APOLOGIES FOR ABSENCE

2.1 There were no apologies for absence received.

3. LICENSING ACT 2003 – 14-20 EYRE STREET, SHEFFIELD, S1 4QY

3.1 The Chief Licensing Officer submitted a report to consider an application for a Premises License made under Section 17 of the Licensing Act 2003, in respect of the premises known as 14-20 Eyre Street, Sheffield, S1 4QY.

3.2 Present at the meeting were Andrew O'Brien (Applicant), Superintendent Martin Hemingway (South Yorkshire Police, Objector), Andrea Marsden (South Yorkshire Police, Objector), Shiva Prasad (Health Protection Service, Objector), Marie-Claire Frankie (Solicitor to the Sub-Committee), Claire Bower (Licensing Officer) and John Turner (Democratic Services).

3.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

3.4 Claire Bower presented the report to the Sub-Committee and it was noted that representations had been received from South Yorkshire Police and the Council's Health Protection Service, and were attached at Appendices 'B' and 'C', respectively, to the report.

3.5 Superintendent Hemingway stated that, whilst he welcomed the opening of another entertainment venue in the City Centre, he had concerns about the opening hours of 22:00 hours to 06:00 hours on the grounds that, based on Police records, there had been an increase in the number of serious incidents after 04:00 hours. He made reference to the number of incidents, following Police research, at existing venues within the vicinity of the premises, with late opening hours, together with the percentage proportion of incidents in the City Centre which had occurred after 04:00 hours. The venues included the Plug, Lion's Lair, Nocturnal and Dempsey's, and the percentage proportion of incidents occurring after 04:00 at each venue was over 25%. There were also concerns in that the late opening hours would encourage the migration of people from in and outside the City to the

venue, increasing the potential for further crime and disorder. Mr Hemingway stated that, whilst the Police did not object to the principle of the premises opening until 06:00 hours, he would prefer the venue to open initially with an earlier terminal hour to enable the Police to review the operation and to provide an opportunity for the premises to establish itself as a trouble-free venue.

- 3.6 Shiva Prasad reported that, although the three suggested conditions recommended by the Health Protection Service, as detailed in his letter of representation, had been accepted by the applicant, and the plans had been amended to accommodate suggested changes to the main entrance lobby, the layout of the dance floor and an access and egress route for disabled customers, the Service still had concerns regarding public safety within the premises owing to the lack of risk assessment undertaken.
- 3.7 In response to questions from Members of the Sub-Committee, Superintendent Hemingway stressed that whilst it was difficult to prove that there had been an increase in the number of serious incidents within the City Centre after 04:00 hours, his views were based on the Police records referred to, as well as his experience from being responsible for policing in the City Centre since 1999. He stated that it was as a result of a culmination of factors, including the fact that some people had been drinking in the same venue all night and were feeling the effects of alcohol and an increase in the number of groups of people leaving other venues, and looking for trouble. The Police had not got statistics regarding incidents in respect of Affinity, Arundel Gate, but could obtain them if required.
- 3.8 Andrew O'Brien referred to the concerns of the Council's Health Protection Service, indicating that he had only met Mr Prasad at the premises two days prior to the deadline for objections to be submitted in respect of the application. He stated that the venue was to be targeted at gay people and stressed that gay people liked to go out and stay out late, hence his application for the late opening hours. In terms of the opening hours, he reported that he had proposed to PC Clive Tyree that the premises would open during the hours requested for a trial period of six weeks, but this had been rejected as a three-month period was required. He accepted that he could open on a temporary trial basis, using Temporary Events Notices, but indicated that he would rather not do this on the basis that he would need such Notices for other times of the year, such as at Christmas and New Year.
- 3.9 In response to questions from Members of the Sub-Committee and South Yorkshire Police, Mr O'Brien confirmed that he had withdrawn the part of his application regarding the opening hours from 10:00 to 06:00 hours Monday to Sunday, and now wished to open 10:00 to 06:00 hours Friday and Saturday and to 04:00 hours Sunday to Thursday. He stated that the venue would be marketed for the gay community, whereby members only would be admitted. He would be operating a membership scheme, whereby people could register on a website, and would not be able to enter the premises unless they had registered 24 hours before the date of entry.

He indicated that he would be able to provide amended plans in respect of the layout of the premises and a Risk Assessment statement within the next few weeks. He was planning to open the venue in approximately three to four months.

- 3.10 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.
- 3.11 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 3.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 3.13 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of 14-20 Eyre Street, Sheffield, S1 4QY, subject to the amended application, operating schedule, agreed conditions and to the modified conditions now made as follows:-
- (a) Hours open to the public – 10:00 hours to 06:30 hours Friday and Saturday and 10:00 hours to 04:30 hours Sunday to Thursday; sale of alcohol and regulated entertainment 10:00 hours to 06:00 hours Friday and Saturday and 10:00 hours to 04:00 hours Sunday to Thursday;
 - (b) The withdrawal of Part N of the application referring to strip shows; and
 - (c) No licensing activities being carried out on the premises until a Risk Assessment has been submitted to and approved by the Health Protection Service.

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