

MEETING OF THE LICENSING SUB-COMMITTEE

held 3rd April 2012

PRESENT: Councillors John Campbell (Chair), Diane Leek and Clive Skelton

.....

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 No apologies for absence were received. Councillor Geoff Smith attended the meeting as a reserve Member, but was not required to stay.

3. LICENSING ACT 2003

3.1 Viper Rooms and Viper Lounge, 35 and 35a, Carver Street, S1 4FS

3.2 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence made under Section 34 of the Licensing Act 2003, in respect of the premises known as Viper Rooms and Viper Lounge, 35 and 35a, Carver Street, S1 4FS.

3.3 Present at the meeting were Ian Harries (Area Manager), Paddy Whur (Solicitor for the applicants), David Davies (General Manager), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Gillian Capewell (Democratic Services).

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

3.5 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from local residents and a local Councillor, although they were not present at the meeting.

3.6 Mr. Whur addressed the Sub-Committee, explaining that the present management of the bar had taken control of the premises in September 2011. He stated that the management had been disappointed to see the number of letters of objections submitted from local residents, adding that they were keen to work together to resolve any issues. Mr. Whur was also surprised at the nature of the complaints as the bar had worked very closely with the Environmental Protection Service (EPS) to try and ensure that the noise limits at the premises were correct.

3.7 Mr. Whur continued to report that new double glazing had been installed in

the VIP area, and a new lobby had been created to improve sound proofing. There were live music events every Wednesday, where a newly installed acoustic curtain would be used, and Mr. Whur assured Members that the doors to the premises would remain closed at all times during the week.

- 3.8 Mr. Whur stated that the premises would like the extra hour to be added into the licence for the start of British Summer Time, as most licences contained this, and it seemed to be an anomaly that this one did not.
- 3.9 Mr. Whur also indicated that the required work had been carried out to the lobby area and a noise limiter was in operation at the premises. Mr. Whur indicated that the reason the venue wished to apply for a 0400 hours licence was to fit in with the conditions of other surrounding businesses and have fair competition. Mr. Whur confirmed that the fire doors at the venue were alarmed and that the music cut off immediately when they were opened.
- 3.10 Members encouraged the venue management to establish a rapport with the local residents and to set up a meeting where any concerns could be aired. Members also requested that EPS examine the venue in operation at night in two months' time.
- 3.11 **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.
- 3.12 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 3.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 3.14 **RESOLVED:** That the Sub-Committee agrees to grant a variation to the Premises Licence in respect of the premises known as Viper Rooms and Viper Lounge, 35 and 35a, Carver Street, S1 4FS, subject to the amended application, operating schedule, agreed conditions and to the modified conditions now made as follows:-

Viper Rooms

(a) the opening hours to be extended to 0400 hours for Thursdays, Fridays, Saturdays and Sundays before Bank Holiday Mondays;

(b) no entry to the premises after 0300 hours for Thursdays, Fridays, Saturdays and Sundays before Bank Holiday Mondays;

(c) the condition regarding the improvements to the lobby area be removed as these works had now been completed, and

(d) an extra hour be added into the licensed hours to incorporate the start of British Summer Time.

Viper Lounge

(a) the opening hours to be extended to 0400 hours for Thursdays, Fridays, Saturdays and Sundays before Bank Holiday Mondays;

(b) Condition 2 to be amended to read - Persons will not be permitted to enter the premises after 0200 hours Sunday to Wednesday and after 0300 hours Thursday to Saturday, Sundays preceding Bank Holidays;

(c) the condition regarding the improvements to the lobby area be removed as these works had now been completed, and

(d) an extra hour be added into the licensed hours to incorporate the start of British Summer Time.

3.15 The Dam House, Mushroom Lane, Sheffield, S3 7NZ

3.16 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under the Licensing Act 2003, in respect of the premises known as the Dam House, Mushroom Lane, Sheffield, S3 7NZ.

3.17 Present at the meeting were Simon Badh, Mr. Sanghr and Harminder Bains (applicants), Lorraine Moshiri, Siavash Moshiri, Nicholas Ralph, Penelope Ralph, Sara Mills, Sarah Durlinger, Debbie Rodgers, Rupert Till, Chris Pick, Lucy Harper and Jon Slate (residents of Harcourt Road), Councillors Paul Scriven and Stuart Wattam (local Councillors), Bernard Little (Green Party), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Gillian Capewell (Democratic Services).

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

3.19 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from local Councillors and local residents, as interested parties, and were attached at Appendices 'C' and 'D', respectively, to the report. It was noted that concerns raised by the Environmental Protection Service had been resolved prior to the meeting.

3.20 Mr. Till addressed the Sub-Committee, commenting that, although he was pleased to see that the Dam House was reopening, there were certain elements of the application that he was concerned about; mainly to do with the late licence. He described to Members how the venue was situated in

Crookes Valley Park, which was bowl-shaped, with a large boating lake, which amplified sound. He commented that other park cafés did not have late licences and he felt it was inappropriate that the Dam House should be granted a late licence.

- 3.21 Mr. Pick then addressed Members, commenting that there was a group of residents on Harcourt Road who comprised the Harcourt Road Action Group. He reiterated the fact that he was looking forward to the venue reopening but he raised his concerns around several of the licensing objectives, including public nuisance, crime and disorder, public safety and the protection of children from harm. He stated that the venue had suffered previously from bad management, and that the lifebuoy had often been thrown into the park lake by inebriated people. There had also been a fatal drowning in the past at the site. There was often broken glass in the Park which was dangerous for children and animals.
- 3.22 Mr. Pick's main concern was that when the application was first submitted it had stated that the venue wished to be 'family friendly'. However, subsequent marketing for the venue had centred on drinks promotions, ladies nights, karaoke events, sports nights, and cheap food and drinks, which contradicted the original application.
- 3.23 Mr. Pick stated that the houses on Harcourt Road directly backed onto the Park and that customers leaving the Dam House had often caused a disturbance to local residents in the past. He referred to a letter sent by the new venue management to local residents to reassure them that the venue would not be a 'nightclub', and that the new owners would like to 'preserve the tranquillity' of the area. Mr. Pick wished to confirm that this was still the case, as it seemed that one thing had been said to the community, and a very different message conveyed through social media and marketing of the venue. Mr. Pick emphasised the importance of establishing a good relationship between the community and the business owners.
- 3.24 Councillor Scriven emphasised the amphitheatre bowl-like effect of the Park, which caused greater noise disturbance to residents. He wished to see the correct manner of usage for this venue, and reiterated the importance of residents being able to obtain a good night's sleep. Councillor Scriven referred to a recent article in Exposed Magazine which stated that the Dam House would be aiming at a student market, with many cheap food and drinks offers.
- 3.25 Ms. Harper stated that the late licence would not be in keeping with the area and that the venue needed to become a destination place with high standards, rather than just trying to entice people in with cheap drinks offers. She also cited several examples of licensing cases which had featured similar applications from other cities. She stated that there could also be noise problems associated with smokers congregating outside the venue and leaving the venue in large numbers, for example, after a wedding.

- 3.26 A representative from the Friends of Crookesmoore Parks welcomed the reopening of the venue but also emphasised concerns around the marketing of the new venture, particularly around some statements made on twitter and facebook. Concerns were also highlighted around litter and mess, the responsibility for clearing litter from the lake, potential drowning and sexual assaults, broken glass, and impact on the biodiversity of the area, especially the lake, and the fact that this proposed usage was not conducive to a park setting.
- 3.27 The applicants for the Dam House licence then addressed the Sub-Committee. Mr. Bains stated that the social marketing had now been withdrawn, and he apologised that the wrong message had been conveyed. He stated that the deputy manager, James Travis, had got 'carried away' and gone ahead with his own marketing to get people talking about the venue.
- 3.28 Mr. Bains stated that the Dam House had been bought in an auction, and that, since the purchase, a great deal of work had taken place with regard to sound-proofing the venue. He stated that the new management were fully aware of their responsibilities with regard to the licensing objectives, and that their aim was to provide a menu of inexpensive food and drinks which appealed to a mass market. The team had worked together for over 20 years in the licensing trade with no complaints. The management had strong family values, and Mr. Sanghr would be living at the premises with his family.
- 3.29 Mr. Sanghr took full responsibility for the advertising which had taken place, stating that it had been misleading. The venue would be student-friendly, but not specifically aimed at students. He was very keen to work proactively with the local community.
- 3.30 Mr. Sanghr stated that the whole team were more than happy to work with the community and establish a rapport. He added that staff at the premises were all trained in Challenge 21 and such schemes, and that staff would be responsible for clearing any litter from around the vicinity of the premises every night. Mr. Bains added that cleanliness was essential to the image of the business.
- 3.31 Mr. Sanghr stated that the late licence had been applied for to allow them the flexibility to cater for weddings and parties, although the premises was not going to be hired out as a whole; he only intended to cater for small parties.
- 3.32 Mr. Bains stated that he had previously taken over the Fox and Hounds public house at Grenoside and had turned the venue around into a very desirable location, and he intended to repeat this success with the Dam House.
- 3.33 Mr. Sanghr stated that the new management had already agreed that the terrace doors would be closed at 2230 hours every night to prevent noise

breakout and that all music would stop at 2300 hours, in order to stagger the times people were leaving the premises. No music would be played outside the premises at any time.

3.34 **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.

3.35 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.

3.36 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

3.37 **RESOLVED:** That the Sub-Committee agrees to grant the Premises Licence in respect of the premises known as the Dam House, Mushroom Lane, Sheffield, S3 7NZ, as per the amended operating schedule, and with the addition of the following conditions:-

(a) all promotional material and marketing for the premises, including social media, is to be approved by the Designated Premises Supervisor;

(b) the door to the terraced area must remain closed from 2230 hours every night;

(c) all litter and broken glass must be removed from the curtilidge of the premises every night;

(d) no music is to be played in the outside areas and no speakers installed in external areas;

(e) all music inside the venue is to be played through a noise limiter, with the Environmental Protection Service (EPS) to set a level for the music, and

(f) the premises are not to be made available to hire in its entirety for the purpose of a private party.