

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 10 May 2018**

**PRESENT:** Councillors Josie Paszek (Chair), David Barker and Cliff Woodcraft

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Vickie Priestley.

**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 - PLOT 22, EXCHANGE STREET, SHEFFIELD S2 5TS**

4.1 The Chief Licensing Officer submitted a report to consider an objection to an application for a Temporary Event Notice, under Section 104(2) of the Licensing Act 2003, in respect of the premises known as Plot 22 Exchange Street, Sheffield S2 5TS (Ref No.54/18).

4.2 Present at the meeting were Dalton Kershaw and Michael Thompson (RiteTrax Records, CIC, Premises), Tracy Lovatt, Alison McDonald and Bob Singh (Environmental Protection Service, Objectors), Simon Ogden (City Growth), Clive Stephenson (Licensing Strategy and Policy Officer), Paul Barber (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

4.3 Bob Singh made reference to additional evidence he wished the Sub-Committee to consider, as part of his objection, and, in the light of this, the Chair stated that, in order to provide a fair hearing for all parties, and to enable the Sub-Committee to give due consideration to the case, the evidence be provided in a summarised format, including redactions where relevant, and considered by the Licensing Sub-Committee at its meeting to be held on 15<sup>th</sup> May, 2018.

4.4 **RESOLVED:** That, in the light of the circumstances, the meeting be adjourned, and reconvened on Tuesday, 15<sup>th</sup> May, 2018, at 11.00 a.m.

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**5. RECONVENED MEETING ON 15TH MAY 2018**

**PRESENT:** Councillors Josie Paszek (Chair), Andy Bainbridge and Lisa Banes.

**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

**2. EXCLUSION OF THE 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 – PLOT 22 EXCHANGE STREET, SHEFFIELD S2 5TS**

4.1 The Chief Licensing Officer submitted a report to consider an objection to an application for a Temporary Event Notice, under Section 104(2) of the Licensing Act 2003, in respect of the premises known as Plot 22 Exchange Street, Sheffield S2 5TS (Ref No.54/18).

4.2 The Chief Licensing Officer reported that the meeting of the Sub-Committee on 10<sup>th</sup> May, 2018, had been adjourned to allow the Environmental Protection Officers to provide additional evidence in a summarised format, including redactions where relevant, to Members of the Sub-Committee.

4.3 Present at the meeting were Dalton Kershaw and Michael Thompson (RiteTrax Records, CIC, Premises), Tracy Lovatt, Alison McDonald and Bob Singh (Environmental Protection Service, Objectors), Simon Ogden (City Growth), Clive Stephenson (Licensing Strategy and Policy Officer), Brendan Twomey (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.4 Brendan Twomey outlined the procedure which would be followed during the hearing.

4.5 Bob Singh outlined background information regarding the area which had been submitted by Simon Ogden, Programme Director, Castlegate Kickstart Project. He stated that Castlegate had experienced a long period of decline due to the relocation of large retail occupiers to other parts of the City, but it contained the hidden remains of the Sheffield Castle and had a large stock of vacant good quality buildings. A regeneration strategy has been developed to set out the area as a key regional location for the Tech and Creative Sector start-ups, already evidenced by 80 makers and artists working in Exchange Place Studios. Another key part of the strategy was to encourage low-cost business start-ups using the many vacant retail spaces under the "ReNew Sheffield" banner, the retail space which was the subject of this Temporary Event Notice (TEN) having resulted from this initiative. It was stated that all the events held at the new start-up premises had operated under the TEN system and subsequently had attracted some complaints from the residential premises, known as Terminal Warehouse at Victoria Quays, although no complaints had been received from other residential

premises nor the hotels in the vicinity. It was noted that the start-up enterprises had acknowledged errors and inexperience but had responded to the complaints and that it was intended that the interim sound-proofing and other necessary adaptations would be upgraded to embrace the new night-time economy in the area. Bob Singh then produced maps of the area and outlined the distances from the various properties to the premises at Plot 22, Exchange Street. He stated that the area was mixed commercial and residential use.

- 4.6 Bob Singh stated that Plot 22 had operated under 17 TENs since 2017, one of which was unauthorised and had attracted a significant number of public nuisance complaints and he felt that the proposed event would result in excessive noise. Mr. Singh considered that the hours applied for would be excessive as the event would be nightclub/rave style with regulated entertainment until 05.30 a.m. He stated that the main weak point of noise breakout was due to the fabric of the building and its poor ability to contain noise created by amplified music. Mr. Singh said that he had met with the applicants and made recommendations to them on how to control the noise inside the premises and also how to effectively manage patrons outside the venue. However, following several meetings and discussions held, sound attenuation works have not been completed and complaints were still being received from residents located on Wharf Street. Mr. Singh further stated that he had visited all the plots currently licensed on 28 occasions to investigate the complaints made. He said that the units were all A1 retail units and were not fit for purpose to contain loud noise. Mr. Singh made reference to allowable noise levels and said the evidence showed that the nuisance was getting worse rather than improving.
- 4.7 Tracy Lovatt referred to a visit she had made to the area following a complaint in August, 2017. She stated that when she arrived outside Plot 22, she could hear music and witnessed noise breakout from customers, with the potential to cause annoyance. She returned to the premises later on during the night and noticed that the base level inside the premises had increased. Ms. Lovatt observed that no security was present.
- 4.8 Alison McDonald made reference to several visits she had made to the area following complaints received. On one occasion, she witnessed two events being held at the same time competing against each other and visited residents to assess the noise level from their premises. Ms. McDonald noted that the events were always held during the night and early hours of the morning. She referred to a visit she made on 15<sup>th</sup> April, 2018 when Plots 16, 22 and 35 were all open and the collective noise had been overwhelming, stating that she could feel the vibration from the music as she was sat inside her car. On each occasion, the noise from Plot 22 was always the most predominant, the building shook from the vibration and she rung the applicant asking him to reduce the noise. She noted that the door was left open, there being no internal door to help reduce noise breakout and there didn't appear to be any formal security checking the I.D. of persons entering the premises. However, she witnessed security staff outside Plot 16 attempting to manage the area but she witnessed numerous people dancing and urinating in the street. In her opinion, the patrons were aged between 18 and 30, although some appeared under the age of 18. At around 01.30 a.m. on 21<sup>st</sup> April, she visited the area, following complaints received from residents and carried

out noise assessments, returning again at 4.00 a.m., as residents had been awoken by people in the street. Again, she saw no evidence of security staff, the door having been left open and unattended, and she suspected some kind of drug activity with a strong smell of cannabis. She noted that the smoking area was penned in by a fence and a blanket had been thrown over the fence in an attempt to reduce noise.

- 4.9 In response to questions from Members of the Sub-Committee, Bob Singh stated that the complaints were from residents on Wharf Street by the river at the entrance to Victoria Quays. He further stated that following the evidence gathered, it would appear that events held at Plot 22, although advertised as art, music and culture, bore little resemblance to this and the noise nuisance was getting worse.
- 4.10 Michael Thompson stated that he and his partner had an established events business based on TENs, the focus being on club nights, art and culture. He added that the event in question was predominantly music and felt that they had been unfairly targeted and exaggerations had been made regarding people being afraid to walk in the area, as the same could be said regarding any late night area of the city centre. He went on to state that they have a good track record working with the Council and had been encouraged to run events in the area to help with its regeneration. Mr. Thompson said that last December, following a complaint from a local resident, he had visited the premises but nothing could be heard, however he left his contact details with the tenant should any disturbance arise. Mr. Thompson informed the hearing that they were a voluntary run organisation and it was not a case of ignoring problems, but they tried to deal with issues as and when they arose. Mr. Thompson stated that he and his partner had long term plans to licence the premises. He added that he had contacted the Manager at the Travelodge who had no complaints and referred to a letter of support, which had been circulated prior to the meeting.
- 4.11 Dalton Kershaw stated that recently a new stud wall with acoustic rockwool insulation and a fire door had been installed inside the premises. He reiterated the point made earlier that the only complaints received had been from residents, not from any businesses in the area and that no complaints had been received from South Yorkshire Police following visits made by them to the premises. He added that he and his partner had been reactive to any requests from the City Council and had been proactively monitoring sound levels from inside the premises. Mr. Kershaw emphasised the nature of the business as a social enterprise which included the provision of affordable art space, the delivery of creative workshops and classes and an online platform for creatives.
- 4.12 In response to questions from Members of the Sub-Committee, Michael Thompson stated that pending the outcome of the meeting, two SIA door staff would be employed and that staff were all health and safety and first aid trained. He gave Members full assurance that all licensing objectives would be met during the event and the fenced in smoking area would be relocated to allow ease of access and egress from it. Mr. Thompson stated that they had been working with sound engineers to fit sound limiters to the speakers and the levels would be set before the event and kept at that level throughout the night. Mr. Kershaw added that doorstaff had been told not to allow persons to take drinks outside and that they

must leave the premises quietly. He said that the event would be licensed for up to 60 people and there would be two members of staff working on the bar and two more staff walking around. Both Mr. Thompson and Mr. Kershaw again reiterated that they are keen to continue working with the Council.

- 4.13 Clive Stephenson outlined the options available to the Sub-Committee.
- 4.14 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.
- 4.15 Brendan Twomey reported orally, giving legal advice on various aspects of the application.
- 4.16 At this stage in the proceedings, the meeting was re-opened to the public and press attendees.
- 4.17 RESOLVED: That, in the light of the information set out in the report now submitted, the additional information now circulated, and the representations now made, the Sub-Committee acknowledged the Temporary Event Notice in respect of Plot 22 Exchange Street, Sheffield S2 5TS (Ref. No. 54/18), and allowed the event to go ahead on the proposed date subject to the following stipulations:-
- (a) the noise levels be monitored at all times;
  - (b) two SIA staff be employed;
  - (c) four members of staff working during the event, two behind the bar and two managing the event;
  - (d) no more than 60 persons be allowed onto the premises at any time and that they be asked to leave quietly; and
  - (e) the smoking area be easily accessible.

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