

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 August 2018

PRESENT: Councillors Josie Paszek (Chair), Andy Bainbridge and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Lisa Banes attended the meeting as a reserve Member, but was not required to stay.

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 - ABBEYDALE SPORTS CLUB, ABBEYDALE ROAD SOUTH, SHEFFIELD, S17 3LJ

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a premises licence made under Section 17 of the Licensing Act 2003 (Ref No. 78/18).
- 4.2 Present at the meeting were Tim Shield (John Gaunt and Partners, Solicitors, for the Applicants), Richard Ibbotson (Chairman, Abbeydale Sports Club), Jamie Christian (Designated Premises Supervisor), David Reeves, Roger and Marguerite Kent, Roger and Marilyn Wilson and David Pickard (Objectors), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations in respect of the application had been received from eight members of the public and the Environmental Protection Service, and were attached at Appendix 'B' to the report. Mr Stephenson stated that the representation from the Environmental Protection Service had subsequently been withdrawn, subject to the agreement of two conditions with the applicants. All eight members of the public who had submitted representations were invited to the meeting, and four (six individuals) attended the hearing and addressed the Sub-Committee.
- 4.5 Mr Stephenson circulated the two conditions which had been agreed between the

Environmental Protection Service and the applicants.

- 4.6 David Reeves stated that he objected to the application due to the potential for noise nuisance, including the slamming of car doors, vehicle engines running and people's voices, often made worse due to them being drunk, which he considered totally unacceptable for a residential area. Mr Reeves stated that, despite him being a member of the Club for 25 years, he was not aware of the application, and therefore wondered how other local residents could have been aware of it.
- 4.7 Roger Kent made reference to the rear exit road, off Ashfurlong Road (known as the track), at the top end of the site, indicating that he had been in contact with, and provided with information by, his local Ward Councillors on restrictions, imposed under planning consent, on the use of the track. Mr Kent believed that, without restrictions being imposed and enforced, extending the opening hours at the Club would exacerbate the existing problems of noise nuisance and increase the noise suffered by residents living within the immediate vicinity of the track. His understanding was that the Club was only permitted by the Council to use the track for access purposes 24 times a year, to cater for major sporting events, but he believed this was not happening as the gate to the track was often left open, and people were able to access the track. Mr Kent made reference to safety concerns he had in terms of the use of the track, indicating that at a recent schools sports event, a number of coaches had parked on Ashfurlong Road, and dropped off the pupils in the road, where they were directed down the track. He considered that this, and the fact that a number of the coaches had parked on the pavement, represented a major safety hazard, and requested that access down the track should be restricted, and the gate kept locked. In terms of potential noise nuisance, Mr Kent referred to an event held at the Club on 27th July 2018, where residents were affected by music, apparently being played outside the premises, up until 23:00 hours.
- 4.8 Marilyn Wilson raised concerns with regard to the advertisement of the application, indicating that one of the adverts had been exhibited inside the Club premises, meaning that people had to actually go inside to see it, and the other had been fixed to the gate to the track, but had fallen off. As a result of this, many residents living within the immediate vicinity of the premises were not aware of the plans. She added that there was also no reference on the advert to the plans to extend the time for live or recorded music to 02:00 hours. She stated that even with the agreed condition limiting the playing of live or recorded music externally after 23:00 hours, would still mean that residents sat out in their gardens in the evening would still be adversely affected by the music. Mrs Wilson made reference to the fact that the Club was situated in a highly residential area, comprising several family houses, many of which were in very close proximity to, and overlooked, the Club. Mrs Wilson was very concerned that the application to extend the opening hours, and the associated plans to change part of the club house into a restaurant/banqueting venue, would increase the potential for noise nuisance. Mrs Wilson also made reference to problems of traffic congestion on Ashfurlong Road, caused by people parking their vehicles and accessing the site via the track, and which also resulted in problems for residents in terms of getting their vehicles off their driveways.

- 4.9 Roger Wilson stated that he concurred with the representations put forward by Mrs Wilson, his wife. He submitted a petition he had organised, containing 139 signatures, and stated that when he was calling on local residents to sign the petition, very few were aware of the application, which he believed was due to it not being advertised properly. He stated that Dore was an area known for its excellent quality of life, and believed that this application would increase the potential for anti-social behaviour and noise nuisance.
- 4.10 With regard to the petition, Samantha Bond stated that the Sub-Committee would not be able to take it into consideration on the basis that it had not been submitted within the required deadline, under the Licensing Act Regulations.
- 4.11 David Pickard also referred to the access road off Ashfurlong Road, indicating that it was his belief that the Club was only permitted by the Council, under planning consent, to use the track 24 times a year, but the gate was often left unlocked, resulting in vehicles being able to use the track almost on a permanent basis, creating health and safety risks, particularly for young people. Mr Pickard believed that the extension of the opening hours would result in people using the track later at night, creating further problems of anti-social behaviour and noise nuisance for local residents. He made specific reference to young people smoking drugs on the track, and believed it would be safer to have the one entrance, for ingress and egress, off Abbeydale Road South.
- 4.12 Marguerite Kent stated that she agreed with all the comments made by the objectors.
- 4.13 In response to questions raised by Members of, and the Legal Adviser to, the Sub-Committee, and by Tim Shield, Roger Kent stated that he had complained to the Club about the condition of the gate to the track, which had been damaged by vehicles running into it, and which had resulted in a new, more substantial gate being installed. Mr Pickard confirmed that he had not made a formal complaint to the police with regard to his allegations of young people smoking drugs on the track, and none of the objectors had made formal complaints to the police or the Council with regard to noise nuisance, only speaking to the Club's management. Those objectors who had approached the Club to complain about noise nuisance indicated that they did not consider that their comments had been taken seriously enough. Roger Kent stated that, when he had raised the issue of the damaged gate with the Club, he had received a positive response from the General Manager (Andrew Watson), who had been very helpful in arranging for a new gate to be installed. The objectors confirmed that on some occasions, mainly when there were school sports events held on the premises, due to the number of vehicles parked on Ashfurlong Road, a number of residents had not been able to get their cars off their drives. Mr Pickard circulated a number of photographs of Ashfurlong Road and the Club's main entrance on Abbeydale Road South, which he believed highlighted that the entrance on Abbeydale Road South, being safer and more practical, should be the only entrance to the premises.
- 4.14 Tim Shield reported briefly on the history of the Club, referring to the range of sports on offer, and stressing that all such sports would continue when the new plans had been implemented. He stated that the Club had operated using a Club

Premises Certificate for a long time, without any significant problems. It was the intention to continue operating using this Certificate, and that the premises licence would provide greater flexibility with the operation going forward. The proposed plans represented a major investment, with the applicants wanting to expand the current entertainment/dining operation. Mr Shield referred to the steps the applicants intended to take in order to promote the four licensing objectives, which were detailed in the application. He stated that if the application was successful, it would enable the Club to continue as it had done for a number of years, but have the added flexibility, specifically with regard to the extended opening hours, to offer more in terms of entertainment. He stressed that it was unlikely that there would be a significant increase in the number of events held at the Club, with the pattern remaining where the majority of events would be held at weekends, but that the extended hours would provide the flexibility to hold more events at certain times of the year, such as Christmas. In response to the representations made by the objectors, Mr Shield confirmed that the application had been advertised correctly, in accordance with the Licensing Act Regulations, and that the workers were having to use the track off Ashfurlong Road to access the site only due to the fact that their vehicles could not gain access via the entrance off Abbeydale Road South. He stated that there had never been any issues in terms of noise breakout from music being played in the premises, and that there was nothing to suggest that this would change as part of the new operation. It was envisaged that music would be played externally, on the terrace area, occasionally. It was also not envisaged that the track would be used, as pedestrian access, to any great extent, by people attending events at the club. Mr Shield emphasised the fact that there had been no representations made by the police, Environmental Health or the Sheffield Safeguarding Children Board, and that although the Environmental Protection Service had originally submitted representations, these had now been withdrawn following the agreement of two conditions with the applicants. He made reference to an email he had received from an Environmental Health Officer, informing that the Service had not received any complaints with regard to the use of the gate to the track off Ashfurlong Road, and did not have any concerns with regard to the use of the external area in terms of noise nuisance, stating that the area was small and relatively far away from residents, so shouldn't be too big an issue. Mr Shield referred to the steps which the applicants intended to take to promote the four licensing objectives, as set out in Section M to the application, and added that they would be happy to offer a further condition requiring them to advertise a dedicated phone number which local residents could use when wishing to complain or discuss any concerns they had in connection with licensable activities at the Club. Mr Shield concluded by referring to the difference between the Club Premises Certificate and the new premises licence, indicating that the new licence would provide for stricter monitoring and enforcement, and therefore would be beneficial to all parties.

- 4.15 In response to questions raised by Members of, and the Legal Adviser to, the Sub-Committee, and by Clive Stephenson, it was stated that the Club produced a regular newsletter, which was circulated to all members, and which had included details of the new plans. The Club also liaised, and had a good relationship with, the local Neighbourhood Watch Group. Specific reference was made to the General Manager, who was on a phased return to work after suffering a serious illness, and who would be responsible for liaising with local residents in connection

with any complaints or concerns they had. In terms of the allegations regarding young people smoking drugs on the track, there was no evidence to show that these were people using the Club. The provision of live music, both inside and outside the Club, was not expected to form a large part of the plans going forward, but would offer an added level of flexibility. Similarly, with regard to performances of dance, which had been included on the application, it was not envisaged that this activity would happen much at all. In terms of late night refreshment, the applicants wanted the flexibility to enable them to serve food which had been prepared inside the premises, to external areas on certain occasions. The applicants would prefer to continue using Challenge 21, particularly as there had been no issues with regard to under-age sales in the past, and on the basis that the Sheffield Safeguarding Children Board had not made any representations. The Designated Premises Supervisor (DPS) would be spending a considerable amount of time on the premises, particularly during the refurbishment works and the period when the new operation was being introduced. After this period, one of the two General Managers would be on-site permanently, on a rota basis. Whilst it was not envisaged that there would be any problems in terms of noise breakout from the premises as part of events held during the day, there were plans to ensure that the General Managers regularly monitored noise levels, particularly during events held in the evening and night-times. The Club Premises Certificate made it easier for the Club to manage attendance at events on the basis that it made provision for any member of the public to attend events, even if they were not members, provided they were signed in as associates of the Club. The current membership of the Club comprised approximately 1,500 adults and 1500 juniors. It was not expected, under the new operation, that attendances at events would exceed the current levels of between 150 and 200.

- 4.16 In response to further questions from the objectors, it was stated that the planning condition required the gate to be normally kept locked, but not at all times. It was not easy to explain how the applicants would ensure the safety of children using the track on the basis that they were not aware of any concerns of this nature. As part of the application, it was hoped that the gate would be locked on those occasions when access and egress from the track was not required, with appropriate signage being in place and staff monitoring the situation. The only area externally that was licensed was the terrace, therefore use of this area could be strictly monitored under the terms of the premises licence. However, if it was found that people were causing problems in other external areas, such as on the pitches, appropriate action would be taken, which would include calling the police if necessary. It was pointed out that there was no history of such problems, and that the police, in not making any representations, obviously had no concerns. Whilst the application requests the supply of alcohol until 02:00 hours, seven days a week, events would not be held every day of the year, nor was it envisaged that there would be any problems with regard to people attending events in the evenings drinking up and dispersing quietly. It was not expected that there would be any disturbance to neighbours in terms of recorded music, with the Club's management continuing its good practice in checking noise levels at the perimeter of the premises. The applicants accepted their responsibility in terms of minimising levels of noise nuisance caused to local residents, and if it was found that they were failing in their duties, relevant action could be taken in respect of the Licence. The applicants accepted that the track off Ashfurlong Road was their responsibility

during such times when licensable activities were taking place, and would therefore manage its use at such times. The applicants acknowledged the comments with regard to litter being left on the sports pitches, and would take necessary action in this regard.

- 4.17 Tim Shield summarised the case on behalf of the applicants.
- 4.18 Clive Stephenson presented the options available to the Sub-Committee.
- 4.19 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.
- 4.20 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.21 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.22 RESOLVED: That the Sub-Committee (a) agrees to grant a premises licence in respect of the premises known as Abbeydale Sports Club, Abbeydale Road South, Sheffield, S17 3LJ (Ref No. 78/18) subject to the following two conditions agreed between the Environmental Protection Service and the applicants, and a further three conditions, as follows:-
- (i) No live or recorded music shall take place externally after 23:00 hours;
 - (ii) The rear exit road onto Ashfurlong Road shall not be used for ingress and egress by vehicles after 00:00 hours (midnight) whilst licensable activities are taking place at the premises, save and except emergency ingress or egress to/from the premises site;
 - (iii) An incident log should be kept at the premises, and made available, on request, to an authorised officer of the Council or Responsible Authorities, and will record any complaints received concerning crime and disorder and/or public nuisance;
 - (iv) A direct telephone number for the manager, or other such person in charge at the premises, shall be made available at all times the premises are open; this telephone number is to be made available to residents within the vicinity; and
 - (v) The premises shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises. Periodic checks of the rear track to the premises shall also be made for litter and waste, and cleared where appropriate; and

- (b) reiterated its preference for a Challenge 25 scheme, as opposed to Challenge 21, to be in operation, and reminded the applicants of their obligations under the planning regime.

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

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