

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 April 2019

PRESENT: Councillors Josie Paszek (Chair), Vickie Priestley and Mick Rooney

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Jack Clarkson 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 - BROCCO ON THE PARK, 92 BROCCO BANK, SHEFFIELD, S11 8RS

4.1 The Chief Licensing Officer submitted a report to consider an application for the variation of a premises licence, made under Section 34 of the Licensing Act 2003, regarding Brocco on the Park, 92 Brocco Bank, Sheffield, S11 8RS (Ref No. 42/19).

4.2 Present at the meeting were Tiina Carr (Applicant), Michelle Hazelwood (John Gaunt and Partners, Solicitors, for the Applicant), Dr David Black (Objector), Scott Royal (supporting the application), Jayne Gough (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 Jayne Gough presented the report to the Sub-Committee, and it was noted that four representations had been received from members of the public, three objecting to the application and one in support. All four members of the public who had submitted representations had been invited to the meeting, and two attended the hearing, and addressed the Sub-Committee.

4.5 Dr David Black, who was attending in his own capacity, as well as on behalf of the two other members of the public who had submitted written objections to the application, stated that he lived very close to the premises, and considered the application to increase the hours regarding the sale of alcohol to be a significant change, and one which could have a detrimental effect on himself and other

neighbours living within the immediate vicinity of the premises. Dr Black stressed that he has never made any complaints, or raised any concerns, regarding the operation of the premises, but considered that the extension to the licensing hours would result in an increase in noise, both in terms of customers leaving the venue, and cars driving away, late at night. He stated that there were several families, some with young children, living in the surrounding area, who would be affected by the potential increase in noise. Dr Black made reference to recent advertisements he had seen, where the venue proposed to hold wedding functions for up to 60 people, and expressed concerns regarding the potential increase in noise and anti-social behaviour from customers leaving later at night. He raised concerns with regard to the proposed sale of alcohol on the terrace area, specifically if the premises were sold on.

- 4.6 In response to questions raised by Members of, and the Legal Advisor to, the Sub-Committee, an explanation was provided as to the precise location of the premises, and Dr Black produced photographs, which mainly showed its location in relation to where he lived. Jayne Gough confirmed that a notice regarding the application had been placed outside the premises, as well as in the local press, for a period of 28 days. Dr Black stated that children would be detrimentally affected by the increase in licensing hours in that they would be affected by the likely increase in late-night noise, as well as being more exposed to customers drinking, and possibly being drunk in the external areas. He confirmed that he was not aware that the premises had applied for a number of Temporary Event Notices (TENs), in connection with increased hours regarding alcohol sales at various events held there, and that he had not noticed any particular issues relating to these events, such as increases in noise levels. Michelle Hazelwood confirmed that since December 2016, the premises had operated 21 days using TENs, with the opening hours being extended to 00:30 hours.
- 4.7 Scott Royal, who stressed that he had no connection to the applicant, stated that he had visited the premises, on occasions, and had always had a positive experience. Mr Royal stated that he lived close to the premises, with his wife and four children, having lived in the area for a number of years. He made reference to the diversity of offer in terms of bars, restaurants, shops and recreational areas. He considered that the premises were a huge benefit for the area, providing an exceptional and unique offer in terms of a hotel and restaurant facility. Mr Royal made reference to how well the premises were managed, and stated that, in his opinion, the application to extend the licensing hours would not have a detrimental effect on the surrounding neighbourhood. He made reference to the fact that people presently drank alcohol in Endcliffe Park, which did not create any noise nuisance for residents living nearby.
- 4.8 In response to a question raised by Dr David Black, Mr Royal confirmed the precise location of where he lived, in comparison to the premises.
- 4.9 Michelle Hazelwood, on behalf of the applicant, stated that the applicant had taken over the premises in 2015, which comprised a small, boutique-style hotel, spending a considerable amount of money building up the business. The premises had won a number of accolades, both locally and nationally. There were only eight rooms, which had an occupancy rate of approximately 80%. The applicant accepted that

there were issues regarding car parking, particularly given the location of the premises, and for this reason, the applicant had an arrangement with the church, situated a little further up Brocco Bank, whereby hotel residents were allowed to park in the church grounds. Ms Hazelwood made reference to the numerous other licensed premises in the area, therefore residents living in the area should be used to a certain level of noise generated by such premises. The application represented only a modest increase in hours in terms of licensable activities (23:00 hours Monday to Thursday and 00:00 hours Friday and Saturday), with the main reason for the increase being that the premises was building a reputation for boutique-style weddings and other events, and wished to afford customers more time. The capacity at such events was 60, with dining space for 54, and there was a strong possibility that up to 18 of these customers would be residents there, and stopping overnight, meaning that there would be a further reduction in dispersal traffic. The applicant had applied for a number of Temporary Event Notices (TENs), for wedding parties and other events, and there had been no objections from any of the responsible authorities to these applications, or any concerns raised by them, or any complaints raised by local residents. It was also pointed out that none of the responsible authorities had made representations with regard to this application. Ms Hazelwood also pointed out that Dr Black had not been aware that the applicant had applied for the TENs, and had not noticed any problems with any of the events. It was not the applicant's intention to create a pub-style operation, and she certainly didn't want any of her residents disturbed by any noise downstairs. It was also stressed that the later hours at the weekends would only be used for special events, which would not be every weekend.

- 4.10 With regard to the other elements of the application, Ms Hazelwood stated that the hotel guests regularly asked for bottles of wine, or other alcohol, to take out on picnics, or for presents for special events, therefore, the applicant would like to be able to offer ready-made picnic hampers and gift hampers for this purpose. Such sales were anticipated to be limited, and would be wholly ancillary to the current operation of the premises. The other element of the application included a request to license a small external area for the sale of alcohol at special events. As well as this being an additional attraction for guests, it would also make it easier for them, as it would save them from walking back through the dining area inside the premises to get to the bar. In the light of potential concerns regarding this, the applicant was happy to offer a condition in that sales from this area would not be made after 21:00 hours, and that the number of times such a facility would be used should be limited to 50 times a year. In terms of the concerns raised with regard to dispersal noise, Ms Hazelwood stated that there were several other licensed premises within the surrounding area, so any such noise could not be solely apportioned to the premises. Ms Hazelwood referred to a layout plan, highlighting the three points of entry to the premises, indicating that the side door on to Rossington Road was only used by disabled guests, therefore any noise breakout from this entrance, would be minimal.
- 4.11 Tiina Carr stated that there were very few other places in Sheffield which offered this unique boutique-style operation and that, given the recent increase in demand for wedding parties and other events, she had considered it necessary to apply for the extension in hours. As well as there being a limit as to the number of TENs she could apply for, she wanted to afford her guests more time to have a drink,

particularly at special events. The premises were very well run, with the primary concern being the comfort and wellbeing of the residents, therefore it was very important that they had a good night's sleep. Ms Carr stated that since she took over the premises in 2015, there had been very few, if any, complaints from, or issues with, local residents. She stressed that there was no intent, as part of the application, to change the nature of the operation, and highlighted the fact that there had been no issues in terms of the events held using the TENs.

- 4.12 In response to questions from Members of the Sub-Committee and Dr Black, it was confirmed that there were five car parking spaces within the grounds of the premises, and a further four spaces for use by hotel residents in the church grounds nearby. It was not envisaged that there would be too many problems in terms of car parking, as many guests, particularly those attending special events, were expected to travel by taxi or minibus. The applicant would try and discourage guests parking on nearby Rossington Road. The premises management would be expected to keep a record of the number of times the external bar area was used, and in addition to this, there was an expectation that Licensing Enforcement Officers would monitor this, and expect to see records. Hunters Bar Primary School was located approximately 200 metres away, on Sharrow Vale Road, and it was not envisaged that the application would have any adverse effects on pupils attending the School. The external terrace area was not visible from the road as it was screened by shrubbery and trees. There were some tables and chairs outside the premises, visible from Brocco Bank, which had been placed there in an attempt to attract custom, although they were not used very often.
- 4.13 Scott Royal summarised his case.
- 4.14 Dr David Black summarised his case.
- 4.15 Michelle Hazelwood summarised the case on behalf of the applicant.
- 4.16 Jayne Gough reported on the options open to the Sub-Committee.
- 4.17 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.
- 4.18 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.19 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.20 RESOLVED: That the Sub-Committee agrees to grant a variation to the premises licence in respect of Brocco on the Park, 92 Brocco Bank, Sheffield, S11 8RS (Ref No. 42/19), in the terms requested, and in accordance with the operating schedule, subject to the addition of the following condition:-

'The external terrace shall not be used after 21:00 hours, and on no more than 50 occasions a year'.

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

This page is intentionally left blank