

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 14 April 2020

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

**PRESENT:** Councillors Karen McGowan (Chair), Adam Hurst and Douglas Johnson and Bob Pullin

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#### **1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

#### **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 - 7B NETHER EDGE ROAD, SHEFFIELD S7 1RU**

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 in respect of the premises known as 7B Nether Edge Road, Sheffield, S7 1RU (Ref No.41/20).

4.2 Present at the meeting were Jack Wakelin and Tom Aronica (Bench Bar Limited, Applicants), Dr. Alice Bell and Robert Leach (Objectors), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Legal Adviser to the Sub-Committee), Craig Rogerson (Host of the meeting) and John Turner (Committee Secretary), both from Democratic Services.

4.3 Marie-Claire Frankie outlined the procedure to be followed during the hearing.

4.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that relevant representations in respect of the application had been received from two members of the public, and were attached at Appendix "D" to the report. Ms. Gough reported that during the consultation period, the applicant had agreed conditions with the Environmental Protection Service and South Yorkshire Police, which were detailed in Appendix "C" to the report. The two members of the public who had submitted representations attended the meeting and addressed the Sub-Committee.

(NOTE: At this stage in the proceedings, Councillor Douglas Johnson reported that he was aware that a number of other objections had been made by members of the public to the application, and questioned why they had not been referenced in the report. Following a discussion of this issue, which included legal advice on what constituted a relevant representation, and the remit of Licensing Officers in determining this, the Chair determined that, on the basis that Councillor Johnson was in possession of information that the other Members of the Sub-Committee or the applicants were party to, he should leave the meeting at this stage, and be replaced by the nominated reserve, Councillor Bob Pullin).

- 4.5 Dr. Alice Bell stated that, whilst welcoming the fact that the premises were going to be in use, she was objecting to the application on two main grounds, namely the prevention of public nuisance and anti-social behaviour. She stated that she had moved to live on Nether Edge Road around eight years ago, when there were only two licensed premises in the immediate vicinity, and now, if this application was granted, there would be four such premises. Dr. Bell considered the number of licensed premises in the area would result in considerable disturbance for residents, which would include an increase in noise due to customers leaving the premises at closing time and car doors, including taxis, opening and shutting. She stated that as a result of noise nuisance in the past, she had been forced to install acoustic glass to her property and was sometimes forced to wear earplugs at night. The noise levels also affected her baby daughter's sleep. Her family had occasionally witnessed people fighting outside her house, often had cigarette butts thrown on the floor outside their house and people, presumably drunk, had fallen into their car, causing minor damage. Dr. Bell made reference to the fact that she did not object to an earlier application in respect of Café No.9, directly opposite her property, on the grounds that she was on good terms with the manager, but now wished she had raised concerns on the grounds that they had suffered noise nuisance as a result of the operation of the premises. Dr. Bell stressed that she did not dispute that the applicants would be responsible landlords, and make every effort to minimise any problems of noise nuisance, and take relevant action if residents were deemed adversely affected by the operation of the premises. She did, however, state that she had concerns with regard to the long term implications, in that, if the licence was granted, a new licensee could take on the premises in the future, and not have such a responsible attitude. Dr. Bell stated that she was aware of the review process, under the Licensing Act, 2003, but did not want to go down this route as she would prefer to get on with the applicants of the licensed premises, and, in addition, had not got time to log all incidents regarding noise nuisance and anti-social behaviour, which was required as part of the process. She concluded by expressing concerns with regard to the planned opening hours, indicating that 00:00 hours was very late for customers to be dispersing within a residential area.
- 4.6 Rob Leach stated that his family regularly suffered noise nuisance from the licensed premises within the area, particularly when people stood outside, smoking, and often talking loudly. He also made reference to the noise from cars arriving and leaving the premises, and referred to wider problems with regard to traffic congestion in the area, which would be exacerbated by the addition of a further licensed premises.

- 4.7 Jack Wakelin stated that the operation would comprise a small bistro/wine bar/restaurant, with the off-sales only comprising a small element of the overall operation. He stated that he and his business partner (Tom Aronica) both had young children, and would not be wanting to be arriving home unduly late, and also appreciated any concerns that families with young children in the area would have. The premises did not comprise a traditional bar, and, with there only being a maximum of 25 customers at any one time, they did not expect any problems of noise nuisance caused by customers. The premises would not open on Monday or Tuesday, would open from 16:00 to 23:00 hours Wednesday and Thursday, 12:00 to 23:00 hours Friday and Saturday and 11:30 to 16:00 hours on Sunday. Mr. Wakelin stressed that they would like to work with the local residents, and planned to do everything possible to keep noise levels to a minimum. At this stage, he offered to amend the operating schedule to the effect that on sales of alcohol would finish at 23:00 hours. Further measures would include ordering taxis for customers and having signs on the walls, requesting that customers leave quietly. In addition, due to the staged sittings, customers would arrive and depart sporadically, meaning that there would be no large groups leaving at any one time. He was mindful of the importance of working with the local community, and stated that the business would not survive if local residents were not supportive. Mr. Wakelin concluded by stating that there would be a waste bin outside, specifically for cigarette butts, and that staff would sweep up outside at the end of each day.
- 4.8 Tom Aronica reiterated the comments made by Mr. Wakelin, specifically regarding the fact that he also had young children, and did not want to be getting in unduly late every night.
- 4.9 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee, the applicants stated that they had included details of the application on a Nether Edge Facebook Group, with the general reaction being very positive. One negative response referred to concerns regarding a potential increase in traffic in the area, to which a reply was sent indicating that this was not expected as there would mainly be people from the local area visiting the premises. Mr. Wakelin indicated that he would be happy to display his mobile phone number for any residents wishing to contact him with any concerns. Mr. Aronica confirmed that the shop element comprised only a very small part of the overall business model, with items such as wine, cheese and bread being for sale. It was not expected that customers would drive to the premises to purchase these goods. Further to a comment by Dr. Bell, indicating that she was not happy with the reference to the comments on Facebook, given the earlier issue with Councillor Douglas Johnson, the Chair accepted this point, and stated that she simply wished to find out whether the applicants had consulted with local residents as regards their plans. With regard to the opening hours, it was stressed that, ideally, they would want all customers off the premises by 23:00 hours. Following further concerns raised by Dr. Bell in connection with the possibility of the premises licence changing hands in the future, Marie-Claire Frankie reported that the Licensing Act, 2003 was permissive, in that applications would be granted in the first instance, unless there was further evidence that the licensing objectives would not be met. Mr. Wakelin added that they had signed a 12 year lease on the premises, so intended to be there a good while.

- 4.10 Jayne Gough reported on the options available to the Sub-Committee.
- 4.11 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 a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act, 1972, as amended.
- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.13 RESOLVED: That the Sub-Committee agrees to grant a premises licence in respect of the premises known as 7B Nether Edge Road, Sheffield S7 1RU (Ref No.41/20), subject to:-
- (a) the conditions agreed between the applicants and the Environmental Protection Service and South Yorkshire Police;
  - (b) the following modifications to the operating schedule:-
    - (i) On-sales of alcohol to terminate at 23:00 hours, seven days a week; and
    - (ii) The premises frontage will be swept at the close of business each day; and
  - (c) two further conditions, as follows:-
    - (i) the premises will be closed to new customers from 23:00 hours, with off sales only being permitted to existing customers up until 23:30 hours; and
    - (ii) a contact number must be available to local residents.

(The decision of the Sub-Committee was relayed to the applicants and the objectors at the close of the deliberations, and the full reasons for its decision would be included in the written Notice of Determination).