

MEETING OF THE LICENSING SUB-COMMITTEE

held 31st July 2012

PRESENT: Councillors John Robson (Chair), Nikki Sharpe and Clive Skelton.

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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 Philip Wood attended the meeting as a reserve Member, but was not required to stay.

3. EXCLUSION OF THE PUBLIC AND PRESS

3.1 No items were identified where resolutions may be made to exclude the public and press.

4. DECLARATIONS OF INTEREST

4.1 There were no declarations of interest

5. LICENSING ACT 2003 – DOG AND PARTRIDGE, 56 TRIPPET LANE, SHEFFIELD S1 4EL

5.1 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 The Dog and Partridge, 56 Trippet Lane, Sheffield S1 4EL.

5.2 Present at the meeting were John Coen (Ford and Warren, Solicitors, for the Applicants), Tracey Jane Goodall (Designated Premises Supervisor) and her partner, Kevin Fletcher, Andrew Longley (Punch Taverns plc, Applicants), Louise Thomas (Environmental Protection Service), Councillor Rob Murphy (Objector), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

5.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from the Environmental Protection

Service, a local Councillor and local residents, as interested parties, and were attached at Appendices “D”, “E” and “F”, respectively, to the report, although none of the local residents were present at the meeting. It was also noted that the representations from Health and Safety had been withdrawn following the provision of an amended plan detailing the dance floor.

- 5.5 Louise Thomas stated that if the applicants were prepared to withdraw the element of the application relating to the increase in hours regarding regulated entertainment, she would be happy to withdraw her objections, on behalf of the Environmental Protection Service, to the application. In response, John Coen stated that the applicants would be happy to withdraw this element of the application.
- 5.6 Councillor Rob Murphy stated that his grounds of objection focused on the prevention of crime and disorder and the prevention of public nuisance and public safety. He stated that there were two large apartment blocks within the vicinity of the premises, with West Point being directly opposite and Anglo Works being approximately 50 yards further down Trippet Lane. He had been approached by a number of residents with regard to noise nuisance at the premises and a number of the residents, at his request, had contacted the “101” telephone number to report the nuisance. Whilst he welcomed the concession made by the applicants regarding the regulated entertainment, he still considered that the application to vary the premises licence should not be granted until such time the problems of noise nuisance had been addressed. He referred to specific problems being caused by customers drinking and smoking on the street outside the premises and indicated that there was only one entrance to the pub, which was on Trippet Lane, which therefore meant that residents of West Point suffered noise nuisance from customers leaving the premises in the early hours of the morning.
- 5.7 In response to questions from members of, and the Solicitor to, the Sub-Committee, and Mr. Coen, it was reported that, although there was a small lobby at the entrance to the premises, the main and inner doors did little to stop noise breakout. The Environmental Protection Service’s Night-Time Noise Team had received two telephone calls from residents complaining of noise nuisance, on 10th June and 15th July, 2012. Whilst there had been tables and chairs outside of the premises, on Trippet Lane, for some considerable time, it has only been fairly recently when complaints of noise nuisance had been made. This appeared to coincide with the change of the landlord of the premises. The complaints of noise nuisance outside the premises had been referred to the Council’s Highways and Planning Enforcement Services for them to investigate. Complaints had been received from three residents, during the last two months. Councillor Murphy confirmed that he was relaying the concerns of his constituents at this meeting and that he had expressed a willingness to attend the meeting to make representations on behalf of three complainants. He also confirmed that the withdrawal of that element of the application relating to the regulated entertainment would help to allay the residents’ concerns.

He was aware of the fact that there were a number of other licensed premises within the vicinity, but stated that none of the residents had raised any concerns with him in respect of these other premises. He could not recall the precise date when the complainants had contacted him, but he stated that he always suggested that they contact the "101" number. In terms of the number of apartments in the vicinity of the premises and the number of complaints he had received, Councillor Murphy accepted that there were a considerable number of residents who had no issues in terms of suffering noise nuisance from the premises.

- 5.8 John Coen, on behalf of the applicants, stated that the applicants were preparing to spend approximately £70,000 in terms of renovating the premises and that the main element of the proposed variation to the Premises Licence comprised an increase in the hours regarding the sale of alcohol on Friday and Saturday, by 30 minutes. He stated that Mr. Fletcher had taken on the lease of the premises eight weeks ago, and had approximately eight and a half years experience in the pub trade, previously managing two other public houses in the City Centre. The proposed activities in the premises were targeted at a 40+ year old age group and the operation would comprise 80% wet sales and 20% dry sales. In terms of complaints of noise nuisance, Mr. Coen made the point that, although there were a large number of apartments in the residential block directly opposite the premises, together with the block further down Trippet Lane, only three residents had complained of noise nuisance. He also confirmed that no complaints had been made to the licensee directly. He stated that there had been no representations from the Police, therefore crime and disorder was not considered to be a major issue. In terms of noise breakout, the licensee carried out regular checks in terms of noise levels during periods of regulated entertainment and he was happy to work with the Environmental Protection Service in connection with any continued monitoring.
- 5.9 In response to questions from Members of the Sub-Committee, it was stated that at the present time, there were no time limits as to when customers could stand outside the front of the premises, to smoke and drink. Steps were being taken to ascertain whether or not the premises held a pavement licence but, subject to the application being granted today, the applicants were willing to stop customers drinking outside, at the front of the premises, after 23:00 hours Sunday to Saturday. There were plans to add karaoke as a permitted activity with times to match those permitted for other forms of regulated entertainment.
- 5.10 **RESOLVED:** That the public and press and attendees involved in the hearing 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.
- 5.12 The Solicitor to the Sub-Committee reported orally, giving legal advice on

various aspects of the application.

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

5.14 **RESOLVED:** That the Sub-Committee (a) agrees to grant a variation to the Premises Licence in respect of The Dog and Partridge, 56 Trippet Lane, Sheffield S1 4EL, subject to the amended application, operating schedule and to the additional conditions now made as follows:-

- (i) the consumption of alcohol in the external area is to cease at 23:00 hours seven days per week;
 - (ii) clear and legible notices shall be displayed at all exits, requesting that the public respect the needs of the local residents and to leave the premises and area quietly;
 - (iii) the lobby doors shall be closed, except for access and egress, when regulated entertainment is present in the premises; and
 - (iv) drinking vessels are to be prevented from being taken onto the dance floor; and
- (b) considered the request to remove a number of conditions and was satisfied that they were no longer necessary and as such, removed them from the licence.

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