

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 5 January 2021

(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 Andy Bainbridge (Chair), Bob Pullin and Mick Rooney

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Douglas Johnson 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 - PICTURE HOUSE SOCIAL, 383 ABBEYDALE ROAD, SHEFFIELD, S7 1FS

4.1 The Chief Licensing Officer submitted a report on an application, made under Section 17 of the Licencing Act 2003, for the grant of a premises licence in respect of the premises known as Picture House Social, 383 Abbeydale Rd, Sheffield, S7 1FS (Ref No. 01/21).

4.2 Present at the meeting were James O'Hara (Applicant), Marion Gerson (Objector), Clive Stephenson (Licencing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie 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 had been received from a local resident, and were set out at Appendix "C" to the report. It was also noted that a number of suggested conditions made by South Yorkshire Police had been agreed with the applicant prior to the hearing.

4.5 Marion Gerson stated that her main objection to the application focused on the opening hours, in that allowing the premises to remain open until 00:30 hours

Sunday to Thursday, and 03:00 hours Friday and Saturday, would have a detrimental effect on the surrounding area. It was likely to result in an increase in noise, parking, crime and disorder and vehicle movements, and could potentially result in other bars and restaurants in the area applying for similar extended opening hours. Miss Gersen stated that a high proportion of local residents in the area comprised families with young children, with many being from Asian backgrounds, and not wanting their children to grow up in such an environment. She stated that, unlike other, more affluent areas, the local residents were less likely to have the financial means to move away from the area if being adversely affected by the problems. Ms Gerson referred to the increase in the number of bars in the immediate vicinity over the last few years, and expressed her concern that the opening hours could encourage other activities in the area. She believed that this could result in a further increase in noise nuisance and crime and disorder, of which there had been increased problems in the last few years.

- 4.6 In response to questions, Ms Gerson stated that she had lived in the area for two years and that, whilst admitting that she hadn't asked those residents living within the immediate vicinity of the premises whether they had experienced any problems, she herself had not as she lived slightly further away. Ms Gerson confirmed that the main concerns focused on the late opening hours, and the associated problems this could bring.
- 4.7 James O'Hara stated that his company had been the owners and tenants of the premises for the past seven years, and that the application had been necessary due to the previous company going into liquidation. He confirmed that there had been no issues or complaints regarding the operation of the premises during the past seven years. The issue of the extended opening hours had been discussed and approved by the Council's Planning Department, based on the evidence of there being no problems in the past. The licensed area was situated in the basement of the former Abbeydale Picture House, meaning that there was not likely to be any problems with noise breakout. In addition to this, the sound system operated by using a sound limiter, which resulted in music being cut off if it went over the set limit. He confirmed that this had never happened to date. Mr O'Hara read through the conditions suggested by the South Yorkshire Police, indicating that he had no objections to them being applied to the premises licence. He concluded by stating that the General Manager of the premises lived locally, and was active in the local community, therefore would not wish to cause any problems. He also stated that his company run two other well-established bars in the City, at which there had been no problems. He stated that his company were responsible owners and adhered to all the licencing regulations.
- 4.8 In response to questions from Members of the Sub-Committee, Clive Stephenson and Marion Gerson, Mr O'Hara stated that the capacity of the premises was 120, of which all could be seated, and that the application had been necessary due to the previous company who managed the premises going into liquidation as a result of the Covid-19 pandemic. Whilst he was aware of the adverse effects Covid-19 had had on the hospitality sector, he believed that the flexibility of the later opening hours may well help the business to survive. He had found that the later hours were generally busier due to a change in drinking habits, and that locals had actually asked for later drinking hours. The average age of the

clientele ranged from late 20's to late 30's. Many customers visited the premises later on, after having visited one of the other bars in the area. There was rarely any trouble, both on these premises and at the other bars in the area, and all the bar owners had a good record in dealing with such problems. Mr O'Hara stated that he understood residents' concerns given the increase in the number of bars in the area over such a short, but indicated that they were all very well managed, and the managers would meet regularly to discuss any matters of concern. There had been no requirement for a membership scheme at the premises since its use had changed from a snooker club some years ago. One of the other bars nearby (Hagglers Rest) had a licence to open until 04:00 hours. Whilst it was very difficult to predict whether the application would result in an increase in traffic and/or parking, it was confirmed that around 60/70% of the clientele lived within the surrounding area. In terms of parking, there was a car park at the side of the building, as well as a car park at the Tesco Extra nearby. It was envisaged that the majority of customers would walk to and from the premises, therefore would not drive or would not require a taxi. The main entrance to the premises was on Abbeydale Road. Part of the plans going forward involved ending live music at the premises, given the costs involved, and using this area as a games room. It was expected that wet sales, which comprised around 60% of all sales, would increase later on, a similar pattern at other bars in the City. The 03:00 opening was likely to result in dispersal from the premises being more spread out, thereby resulting in a reduction in noise nuisance and vehicle the movement.

4.9 Mr O'Hara summarised his case.

4.10 Clive Stephenson outlined 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 be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.

4.13 RESOLVED: That, in the light of the information contained in the report now submitted, together with the representations now made and the responses to the questions raised, approval be given for the grant of a premises licence in respect of the premises known as Picture House Social, 383 Abbeydale Road, Sheffield, S7 1FS (Ref No.01/21), subject to the conditions agreed with South Yorkshire Police prior to the hearing, as follows:-

(a) The use of door staff will be risk assessed on an ongoing basis by the licence holder or premise supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.

(b) Clear and legible notices shall be displayed at all exits requesting that the public respect the needs of local residents and to leave the premises and

area quietly.

- (c) The Designated Premises Supervisor or a delegated member of staff, shall take a pro-active approach to noise control, checking outside the premises to ensure that the breakout of internal noise and noise from patrons using the external areas and departing the premises is managed so as not to cause a nuisance to occupiers of nearby residential properties.
- (d) Staff will receive training on matters concerning underage sales, drugs policies, and operating procedures. Records of such training will be kept and made available for inspection by the authorities.
- (e) Persons under the age of 18 years are not permitted after 21:00 hours unless accompanied by a responsible adult and attending a pre-booked family type function or dining.
- (f) All pre-booked functions must have a nominated children's safeguarder on site for the duration of the event.
- (g) The Designated Premises Supervisor, or other such responsible person, should be assigned to act as the Co-ordinator for safeguarding systems at the premises. This person must act in compliance with the guidance and training provided by the Sheffield Children's Safeguarding Partnership.
- (h) No sales of alcohol for consumption off the premises except in sealed containers.
- (i) A CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open (in line with specification July 2019). The CCTV images will be stored for 30 days and police and authorised officers of the Council will be given access to images for purposes in connection with the prevention and detection of crime and disorder, in line with GDPR guidance. Members of the management team will be trained in the use of the system; and
- (j) Incident and refusal book maintained, such records to be retained for at least 12 months and available for inspection on request.

(NOTE: The decision will be relayed to all interested parties following the meeting, and the full reasons for the Sub-Committee's decision will be included in the written notice of determination.)