

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 June 2021

PRESENT: Councillors Neale Gibson, Joe Otten and Cliff Woodcraft

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1. APPOINTMENT OF CHAIR

1.1 RESOLVED: That, in the absence of the Chair of the Sub-Committee (Councillor David Barker), Councillor Joe Otten be appointed Chair of the meeting.

2. APOLOGIES FOR ABSENCE

2.1 An apology for absence was received from the Chair (Councillor David Barker).

3. EXCLUSION OF PUBLIC AND PRESS

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

4. DECLARATIONS OF INTEREST

4.1 There were no declarations of interest.

5. LICENSING ACT 2003 - BOHEMIA, 173-179 WEST STREET, SHEFFIELD, S1 4EW

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 premises known as Bohemia, 173-179 West Street, Sheffield, S1 4EW (Ref No.30/31).

5.2 Present at the meeting were Jonathan Round (Environmental Health Officer), Chris Grunert (Solicitor for the Applicant), Gordon Codona (Operator of the premises), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

5.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

5.4 Jayne Gough presented the report to the Sub-Committee and it was noted that representations had been received from a member of the public on behalf of numerous people in the local area and from the Environmental Protection Service

and were attached at Appendix “C” to the report. Ms. Gough stated that the public objector had requested to remain anonymous for personal safety reasons. Chris Grunert asked for clarification as to whether the person who had submitted the objection singularly had the support of the other persons mentioned in the report, to which Ms. Gough confirmed that that was the case.

- 5.5 Jonathan Round stated that prior to the hearing the Environmental Protection Service had held discussions with the applicant and it had been agreed to amend Condition 17 which stated that there would be 18 tables with 108 seats available, with the aim of breaking up the external area so that it would not become a vertical drinking area and thereby reducing noise breakout. Jonathan Round stated that the Environmental Protection Service were not objecting to the extension of the space, just the use of external speakers in the space. He felt that Condition 15 should remain so that there would be no external speakers after 10 p.m. Jonathan Round stated that to set the level of a noise limiter for differing times and days proved difficult for his Service as assessments of ambient noise would require to be made at varying times of the day, evening and night. He added that noise levels at 10.00 p.m. on a Tuesday night would be totally different to the noise at the same time on a Friday or Saturday night.
- 5.6 In response to questions from Members of the Sub-Committee, Mr. Round stated that it was very difficult to look at noise levels as the level varied from day to day, but it was something that the Environmental Protection Service would do in the event of complaints being received regarding noise nuisance. He said that there had been a noise report produced as part of the planning application for the premises and, on appeal, the curfew of 10.00 p.m. on amplified sound had been agreed. Chris Grunert stated that the planning application doesn't set the number of people allowed, but during the pandemic times had been difficult, and the proposal was for 18 tables to be put in place with a maximum of 108 people. Outdoor areas were very popular and he indicated that no-one would be standing. He believed the number of tables was substantial as the area could hold 24 tables, but 18 were sufficient for purposes of social distancing. The basis of the original objection was that currently the upper terrace was open to 3.00 a.m, but asked how many people would wish to remain outdoors after midnight, and if the speakers were switched, people would not be tempted to stay outside. There was no objection to space.
- 5.7 Chris Grunert stated that the application was to vary two conditions on the licence and that there was no intention to extend recorded music. He said that the application was so that the lower tier to the premises could operate the same as the upper tier. He asked that Condition 15 be removed and suggested an alternative to this condition, which would be the level of noise emitted from the speakers. Mr. Grunert said that any audibility after 10.00 p.m. each night would be set by Environmental Health Officers and would be at different levels on different times of the day and on different days of the week. He stated that the applicant wished to get as much value from the application and that “indoor only” music would stay the same, the application was not seeking to change that. Mr. Grunert reported that the applicant already operated in a number of areas around the country and had not received any complaints. He added that since the easing of lockdown in April, the premises had remained open until midnight and

there had not been any complaints from the local residents or surrounding businesses. He said the premises were staffed by both bar and door staff at all times and believed that if the variation was granted, the licensing objectives would not be undermined.

- 5.8 In response to questions from Members of the Sub-Committee, Gordon Codona stated that since the easing of lockdown, he had been using Temporary Event Notices (TENS) and had not received any complaints regarding noise. He said that the premises had operated as proposed, noise having been kept within manageable parameters. He added that Covid restrictions had determined how loud music could be played and that customers had not had to shout to be heard over the sound of the music. He stated that inside the premises there was a DJ and outside, background music was played from a playlist. Mr. Codona said that he had used about five or six TENS so far, on Friday and Saturday nights and Bank Holidays, but had not used them on Monday afternoons.
- 5.9 Mr. Grunert stated that all venues operated using noise limiters, which were computerised to change by the hour, day by day and were only accessible via a laptop, which meant that no-one could override it if they so wished. He said that when the business returned to normal when restrictions were eased, the Environmental Protection Service could visit the premises to check the noise levels. There was no intention to move away from the Conditions already in place. Mr. Grunert added that the indoor and outside areas were zoned, the indoor area operating as a late-night venue, and the outside operating with no recorded music, nor singing or dancing etc. The sound limiters for the internal and external areas were set at completely different levels. It was accepted that background music might increase voice levels and that if this was the case, the speakers would be switched off.
- 5.10 Mr. Codona stated that there were two external areas, the ground floor level was accessed from West Street and this was licensed until 3.00 a.m. The purpose of the application was to regularise both areas, with a condition to allow 18 tables and a maximum of 108 persons in that area.
- 5.11 Chris Grunert summarised the application stating that it was not the applicant's intention to create a nuisance and undermine the licensing objectives. He had concerns that the objector was not present, thereby negating the opportunity to question the reasons behind the representations.
- 5.12 Jayne Gough outlined the options open to the Sub-Committee.
- 5.13 **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 five of Schedule 12A to the Local Government Act 1972, as amended
- 5.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.

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

5.16 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 variation of the premises licence in respect of the premises known as Bohemia, 173-179 West Street, Sheffield S1 4EW (Ref 30/21), subject to the amended, proposed condition and amended condition 15, as follows:

(a) the lower tier of the external area shall have 18 tables in situ at all times and seating for 108 people;

(b) no speakers shall be operated in any external area of the premises unless the maximum operational noise level has been set and agreed in advance with the Environmental Protection Service.

(c) no external speakers shall be used after 23:00 hours on any day; and

(d) existing conditions 15 and 17 be removed.

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

6. LICENSING ACT 2003 - CLUB BAIZE, 14 WEST STREET, BEIGHTON, SHEFFIELD, S20 1EP

6.1 This item of business, to consider an application for a premises licence in respect of Club Baize, 14 West Street, Beighton, Sheffield, S20 1EP, (Ref No.31/21) (Item 6 on the agenda), was withdrawn from consideration by the Sub-Committee at the request of the applicant.