

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 24 April 2023

PRESENT: Councillors Jayne Dunn (Chair), Lewis Chinchon and Talib Hussain

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Denise Fox attended 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 passed to exclude the public and press.

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - SOHO, UNITS 8 AND 9, WEST ONE PLAZA, FITZWILLIAM STREET, SHEFFIELD, S1 4JB

- 4.1 The Chief Licensing Officer submitted a report on an application made under Section 17 of the Licensing Act 2003 for the grant of a premises licence in respect of the premises known as Soho, Units 8 and 9 West One Plaza, Fitzwilliam Street, Sheffield S1 4JB (Ref No.72/23).
- 4.2 Present at the meeting were Nick White (acting on behalf of the Applicant), Peter Sephton (Chair of Local Residents Group, Changing Sheff) (Objector), Mark Booth (Resident), Maxine Biggin (Resident), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee), Jack Riseley-Boyt (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 4.3 Samantha Bond outlined the procedure to be followed during the hearing.
- 4.4 Jayne Gough presented the report, and it was noted that during the consultation period, the applicant had agreed conditions and changes to operating timings with both South Yorkshire Police and Sheffield City Council's Environmental Protection Service and conditions had also been agreed with the Health Protection Service and these could be found at Appendix "B" to the report. Representations had been received from a local resident group and two local residents, and were attached at Appendix "C" to the report.

- 4.5 Peter Sephton stated that in 2005, he had purchased an apartment in the city centre and referred to planning guidance on the night time economy which identified a specific area in the city centre where there was a need to provide a level of protection against noise and disturbance and recommended that a closing time of 00:30 hours be normally applied within that controlled area. He said that West One Plaza fell within that area. He said that the application was asking for a small change to its closing time to allow it to close at 01:00 hours instead of 00:30 hours. Peter Sephton said that when the Plaza had first opened, it was predominantly retail and restaurant businesses which did not form part of the night time economy. However, as retail businesses had left the area, more bars had started to move in and had created a domino effect on the surrounding area. He referred to the Vodka Revolution bar, which was situated on Fitzwilliam Street and not particularly close to the West One apartments, and he felt that should this application be granted, other businesses such as Vodka Revolution, would follow suit and apply for extended closing times. He said that there were currently 35,000 residents living within a 750-metre square radius and West One Plaza was within that radius. Peter Sephton acknowledged that if someone chose to live in the city centre, they were aware of what to expect. He said that the city council was currently expanding the availability of accommodation within the city centre, something he was more than happy to see, but not the expansion of the night time economy with it. He said that the proposed change to closing times was minor, but vital.
- 4.6 Mark Booth said that he agreed with everything that Mr. Sephton had said and that he had lived in an apartment within the West One Plaza for the past 20 years and had seen many changes since moving in. He said that in his experience, he had seen applications being granted only for the applicants to put in another application to change the operating hours shortly afterwards. He said that there was no guarantee that the applicant in this case would not return to extend the opening hours should the application be granted, and this was one of his two major concerns. He said there was a bigger issue around the fact that residents were not easily made aware of any proposed changes. He felt that notices on street posts were not enough and not easily identifiable. He asked whether notices could be posted through every letterbox within the Plaza. Mark Booth raised the issue around the applicant agreeing to the removal of Section H from the operating schedule which referred to the provision of karaoke entertainment. He said that he had studied the plans of the application and had noted that the first floor area had several function rooms, ideal for karaoke parties and asked why Section H was to be removed. Finally, Mark Booth said that part of the application referred to the holding of hen/stag parties and questioned the likelihood of “background” music for these types of functions.
- 4.7 Maxine Biggin stated that she was a resident in West One Plaza and had been there for many years. She questioned the opening hours for restaurants in the surrounding area as being permissible to remain open until 05:00 hours. She said that there were many takeaways along West Street and Division Street that did not close until 05:00 hours and that it could be as busy at that time as it was at 23:00 hours. She said that the taller buildings created a vortex for noise and that should she have visitors, she would be unable to entertain them outside on her balcony, due to the level of noise and bad language that rose up from West Street. She

said that the area was disgusting late at night with rubbish being littered everywhere.

- 4.8 In response to questions raised by Members of, and the legal adviser to, the Sub-Committee, it was stated that when the businesses within West One Plaza were predominantly restaurants, there had never been a problem of noise emanating from them after 22:30 hours. If there had been a problem of noise coming from inside the premises, residents would ask for the doors to be closed. It was accepted that following the pandemic, when people had been shut up within their own homes, a number of outside areas had been created, however these areas were not staffed and the noise was, at times, unbearable. There also appeared to be a new trend for customers to queue outside bars which created a noise nuisance. Mark Booth said that bright lights had been installed within the Plaza and this had encouraged people to gather and stay there into the night. Maxine Biggin said that if there were incidents of noise nuisance, she would go into the premises and complain to members of staff but found that, on a number of occasions, the owners were not on the premises and the staff were reluctant to follow through her request to reduce the noise levels. She said that she had complained to the 101 service but had found that they were reluctant and unable to do anything. Jayne Gough encouraged people to contact the 101 service as, although they might be unable to do anything at the time, at least there would be a record of the complaint made and this would assist in any subsequent action being taken.
- 4.9 Nick White said that the operators wanted to run the business primarily as a restaurant and bar and that the operators were allowed to hold karaoke sessions on certain evenings. He said the ground floor to the premises would be an open restaurant/bar area, kitchen and disabled facilities and one function room, also with disabled facilities. He said on the first floor, there would be six or seven private function rooms that could be hired by small parties. He felt that the crucial issue was noise breakout, so before any other works were conducted, there was a need to get the acoustics right on the building. A noise consultant had been engaged to carry out a noise survey in the Plaza, to collect data on the background noise levels and also the internal noise breakout. The data from this was not yet known but would be shared when available. He said that the plan was to create cinema-style arrangements, the function rooms would be fitted with triple acoustic walls and ceilings to keep the sound contained, to ensure that the premises could operate without disturbance to its neighbours. Nick White referred to the planning approval which had granted the operating hours of 00:30 hours to cease licensable activities and 01:00 hours to close, which were a little bit tighter than the nearby Vodka Revolution bar. He said there were no plans for outdoor seating areas and there would be lobby entrance to keep noise breakout to a minimum.
- 4.10 In response to questions raised by Members of, and the legal adviser to, the Sub-Committee and the objectors, Nick White said that there would be door security staff engaged to ensure that doors were kept closed and staff would ask people to leave quietly. He said that it was still early days on how the operator would manage noise within the management plan and also whether hen/stag parties would be allowed, although the type of venue would be aimed towards attracting

younger people. He said that there would be a booking system in place to hire the function rooms. To comply with the criteria set out by the Environmental Planning Service, to reduce noise breakout, the speakers would be placed facing in the right direction. Nick White said that there was more than one operator involved with this application, all of whom had previous experience at operating this type of venue and were working towards the right approach to tick all the boxes to operate in a responsible, right and proper way. He said that whilst he could not guarantee that, should this application be granted, the operators would not apply for longer opening hours, he could guarantee that they would operate responsibly.

- 4.11 Nick White summed up the case on behalf of the applicants and said that he would relay back to the applicants all the issues raised and comments made at the meeting.
- 4.12 Jayne Gough outlined the options available to the Sub-Committee.
- 4.13 RESOLVED: That in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, the Sub-Committee agrees to grant the premises licence in respect of the premises known as Soho, Units 8 and 9, West One Plaza, Fitzwilliam Street, Sheffield, S1 4JB (Ref No.72/23), subject to the terminating hour of all licensable activities being 00:30 every day, whilst premises closure was 00:30 Sunday to Thursday, and 01:00 Friday, Saturday and days before bank holidays.
- 4.14 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees, and the webcast was recommenced.
- 4.16 RESOLVED: That in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, in respect of the premises known as Soho, 8 and 9 West One Plaza, Fitzwilliam Street, Sheffield S1 4JB, the Sub-Committee agrees to grant the premises licence subject to terminating hour of all licensable activities being 00:30 every day, whilst premises closure was 00:30 Sun to Thurs, and 01:00 Fri, Sat and days before bank holidays (Ref No.72/23).

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