

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 17 June 2024

PRESENT: Councillors David Barker (Chair), Karen McGowan and Joe Otten

1. APOLOGIES FOR ABSENCE

- 1.1 There were no apologies for absence.
- 1.2 Councillor Ann Woolhouse 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 moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETINGS

- 4.1 The minutes of the previous meetings of the Licensing Sub-Committee (Statutory) held on the following dates were agreed as a correct record:
 - 19th June 2023
 - 29th August 2023
 - 18th September 2023
 - 16th October 2023
 - 31st October 2023
 - 6th November 2023
 - 11th December 2023
 - 12th December 2023
 - 18th December 2023
 - 22nd January 2024
 - 23rd January 2024
 - 26th February 2024
 - 27th February 2024.

5. LICENSING ACT 20023 - BAR ONE FOUR ONE, 141 WEST STREET, SHEFFIELD, S1 4EW

- 5.1 The Chief Licensing Officer submitted a report to consider an application made under Section 34 of the Licensing Act 2003 for a variation of a premises licence for Bar One Four One, 141 West Street, Sheffield, S1 4EW (Ref. No. 79/24).
- 5.2 Present at the meeting were Elton Sula (Applicant) and Majid Khan (General Bar Manager) of MT Bar Ltd, Patrick Robson (Solicitor for the Applicant), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Joanne Cooper (Democratic Services).
- 5.3 Samantha Bond 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 one interested party who had given notice that he was not able to attend the hearing. The objection was attached at Appendix 'D' to the report.
- 5.5 Ms Gough also reported that during the consultation period, a condition had been agreed between the Applicant and South Yorkshire Police and was attached at Appendix 'C' to the report.
- 5.6 Councillor David Barker, Chair of the Sub-Committee, invited the applicant Mr Elton Sula to state his case. Mr Patrick Robson spoke on his behalf. Mr Robson stated that:
- The application was to carry out the venue's current activities for an extra hour i.e. until 4am.
 - The applicant, Mr Sula, had a background in security and took over the bar in 2018. Since 2023 he had also been the landlord of the three apartments above the bar, Mr Khan (General Manager) lived in one of them full time and hosted his children there part time.
 - The premises was modest in size (maximum capacity 234) with only one customer entrance/exit which was shielded by the building.
 - The premises operated from 8pm, mainly on Thursdays, Fridays and Saturdays.
 - A noise limiter was in place for music, this was a compression limiter which was the type of limiter which was considered best practice.
 - The building was soundproofed throughout and had triple glazed windows.
 - Noise readings were carried out outside the premises every hour during operation.
 - CCTV was in use, and up to 6 door staff were on duty (a high ratio of 1 door staff to 39 customers).
 - There was no sound escape from the rear entrance which was not used by customers. This also meant there was no congregation there.
 - An ID scanner had been installed.

- No direct complaints had been received from residents in the six years the venue had been in operation.
- The tenants of the apartments above the premises had not raised any objections to the application and neither had any other residents in the immediate vicinity. There had also been no objections from responsible authorities or residents' groups.
- The premises had operated in full compliance with the existing conditions of its licence.
- A condition had been agreed with South Yorkshire Police that there should be no admission after 3am.
- No evidence had been offered to indicate that the application should be rejected.
- It was not known whereabouts in West One the Objector lived, and it was difficult to know how any sound issues could arise there given it was 130 metres from the premises to the West One entrance.
- The management had no record of any complaints by the Objector. If complaints had been made, they had not been put forward to the Manager. No further information had been provided by the Objector and there was no evidence that any noise issues were coming from these premises.
- Dispersal was dealt with by the door staff.
- West Street was a vibrant area, and other venues nearby were licensed to 3am and some further down the street as late as 4/5am.
- The Applicant would be happy to engage with the Objector over any concerns, and would reiterate to door staff that any complaints should be reported to management, and that these complaints would be recorded.

5.7 In response to questions from Members of the Sub-Committee, Mr Robson stated that he was not aware that it was possible for noise testing to take place at height. He said it was possible that the Objector's complaints had slipped through the net but as far as the Applicant was aware he had not received any. There was a telephone number on the premises Facebook page and this would be given to the Licensing Team. The Duty Manager's number could be given to the Objector and to any other complainants if any more came forward. Mr Robson added that there were no known points where noise would be likely to break out. Closure of windows was a condition of the planning permission and always took place by 11pm. The acoustic lobby at the front entrance was a condition of the previous licence application and doors were not propped open.

5.8 The Chair invited the Applicant to sum up his case, and Mr Robson reiterated that no objections had been received from responsible authorities. He stated that the Objector could follow the review process if he was dissatisfied with the outcome of the application. He added that there would be no departure necessary from the Council's Licensing policy in order to grant the application, and that the Applicant was happy to agree an additional condition regarding the recording of complaints if the Sub-Committee thought it necessary.

- 5.9 Jayne Gough outlined the options available to the Sub-Committee.
- 5.10 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting, and the webcast be paused, 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.
- 5.11 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees, and the webcast re-commenced.
- 5.13 **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 application for the variation of a premises licence in respect of Bar One Four One, 141 West Street, Sheffield, S1 4EW (Ref. No. 79/24). be granted in the terms requested and to include the following condition agreed prior to the hearing:
- There will be no new entry to the premises after 03.00 hours on any day.

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