

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 22 January 2013**

**PRESENT:** Councillors John Robson (Chair), George Lindars-Hammond and Ian Saunders

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence received. Councillor Geoff Smith 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 - PSALTER TAVERN, 180 PSALTER LANE, SHEFFIELD S11 8US**

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 34 of the Licensing Act 2003, to vary the Premises Licence in respect of the premises known as the Psalter Tavern, 180 Psalter Lane, Sheffield, S11 8US.

4.2 Present at the meeting were Michelle Hazlewood (John Gaunt and Partners, Solicitors, representing the applicants), Charlotte Pinson (John Gaunt and Partners, Solicitors, observing), Ian Brown (Area Manager, Bramwell Pubs and Bars Limited), Thomas O'Reilly (Manager, Psalter Tavern), Claire Bower (Licensing Officer), Matthew Proctor (Licensing Officer, observing), Kavita Ladva (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Claire Bower presented the report to the Sub-Committee and it was noted that representations had been received from a local resident and were attached at Appendix 'D' to the report. The local resident did not attend the hearing. Ms Bower added that the representations received from the Environmental Protection Service had been resolved.

4.5 Michelle Hazlewood commenced by referring to the resolution of the

representations raised by the Environmental Protection Service, and circulated a schedule of the agreed conditions. Ms Hazlewood referred to the change in clientele at the premises, indicating that, following the closure of the Psalter Lane University campus, there had been a shift from students to local residents frequenting the premises. A number of functions had been held at the premises, using Temporary Events Notices (TENs), but the increased demand for such functions had prompted the management to apply for a variation to include the provision of regulated entertainment. There had been no complaints received in connection with any of the functions held using the TENs. The last complaint against the premises was received in May 2010, and related to noise nuisance with regard to the external bins. Prior to submitting this application, the Manager of the premises had sent out 50 letters to residents living in the immediate vicinity of the premises, informing them of the proposed variation, and inviting them to a meeting on 3<sup>rd</sup> October 2012, to discuss any concerns. Six residents attended the meeting, including the Chair of the Psalter Court Residents' Association. In terms of the representations of the Environmental Protection Service, the Service was happy with the suggested conditions to deal with any potential noise breakout, as set out in paragraphs 5 and 6 of the Schedule of Agreed Conditions circulated at the meeting. The only other change to the licence was the removal of the condition requiring staff to conduct a litter pick and general glass sweep within a 50 yard radius of the premises, which had been amended to the extent that the litter pick would now include the perimeter of the premises. In connection with the letter of objection from the local resident, Ms Hazlewood stated that the issues raised did not relate to the licensing objectives or the details of the application. They related more to the fear of change as there was no history of any complaints of noise nuisance at the premises. She concluded by stating that now the Manager had made contact with the Chair of the Psalter Court Residents' Association, this had introduced an opportunity for further dialogue if he had any concerns regarding the future operation of the premises.

- 4.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, it was indicated that the Psalter Lane campus had closed about four years ago and an explanation was provided as to the location of Psalter Court and its proximity to the premises. There had been considerable objections from local residents to the proposal to include the provision of regulated entertainment on the Premises Licence in 2005. In terms of this application, the management were happy to accept the conditions suggested by the Environmental Protection Service, as they would help to minimise any potential noise nuisance both for local residents and also to customers staying at the premises. It was confirmed that the local resident who had raised the objection had received a letter sent from the Manager, but she did not attend the meeting on 3<sup>rd</sup> October 2012. Further to a query by the Solicitor to the Sub-Committee, Ms Hazlewood confirmed that reference to the sale of alcohol by retail in the pavement café areas,

under the public safety heading of Section M of the Premises Licence, had been included in error and should be deleted. In terms of the functions, it was stated that the management had used the maximum of 12 TENS during 2012, and had been forced to refuse requests for functions over and above this number. There were 19 rooms at the premises, with an approximate 65% occupancy rate throughout the year. If someone who had booked a room arrived late at night, subject to there being a member of staff around, they would be allowed to purchase a drink from the bar and take it to their room or sit at the bar whilst staff were clearing up prior to closing. Generally, people who had attended a function and wished to stay and purchase further drinks from the bar would be allowed to do so. In certain circumstances, people who were not stopping for the night, would be able to accompany people who had booked a room, to continue drinking in their rooms. The final decision on the above situations would rest with the Manager and his staff, and would depend on the individual circumstances at the time. Ms Hazlewood stated that the applicants would be willing to leave in the existing condition regarding a litter pick and general glass sweep up to a 50 yard radius from the premises, as detailed in Annexe 3 of the existing Premises Licence.

- 4.7 **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.
- 4.8 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.10 **RESOLVED:** That the Sub-Committee agrees to grant a variation to the Premises Licence in respect of the Psalter Tavern, 180 Psalter Lane, Sheffield, S11 8US, in the terms now requested, and subject to the operating schedule, agreed conditions and to the modified condition as follows:-

The Designated Premises Supervisor or designated member of staff conducts a litter pick and general glass sweep during opening hours up to a 50 yard radius from the premises, including the frontage of the premises, but excluding any private dwellings.

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