

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 9 August 2018

PRESENT: Councillors David Barker (Chair), Douglas Johnson, George Lindars-Hammond and Mike Levery

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

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 Councillor George Lindars-Hammond declared an interest in item 4 on the agenda – Licensing Act 2003: 185 Middlewood Road, S6 4HD, as he was a Local Ward Councillor for the area. He stated that he would not participate in the consideration of the application and left the meeting.

4. LICENSING ACT 2003 - 185 MIDDLEWOOD ROAD, SHEFFIELD S6 4HD

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a premises licence made under Section 17 of the Licensing Act, 2003, in respect of premises known as 185 Middlewood Road, Sheffield S6 4HD.

4.2 Present at the meeting were Stacy Reed and Martin McGrail (Applicants), Karen Wilkinson, Marie Frew, Ray Hollingsworth and Julie Pullen (Objectors), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Advisor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Samantha Bond 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 three members of the public and were attached at Appendix “B” to the report.

4.5 Marie Frew stated that she had lived at her address for the past 17 years and that her grounds of objection were in respect of noise, public nuisance and the potential hazard to health. She further stated that the premises had always been a retail outlet, with normal opening

hours of 9 a.m. to 5 p.m. and occasionally at weekends. She added that, although on route to Sheffield Wednesday's football ground, the area was generally a quiet, residential area except on match days when the level of noise, anti-social behaviour and littering increased and she felt that another bar on the way to the ground would greatly exacerbate the problem. Marie Frew went on to say that she was a nurse who worked 12 hour shifts and felt that the smell of cigarette smoke, noise from patrons either inside or outside the premises and deliveries would disturb her sleep and was unacceptable. She felt that there would be an increase in litter and that children wishing to use the park opposite might feel intimidated by those attending the pub.

- 4.6 Ray Hollingsworth stated that he and his wife lived in the first floor flat of the adjacent property and that their lounge window was in close proximity to the opening windows of the proposed micro-pub. He felt that noise would easily be heard from both inside and outside the premises. He said that it would be inevitable that people would gather outside to smoke and drink and that he had seen a plan in the press stating that tables would be outside the premises. Mr. Hollingsworth enquired whether the applicants had taken account of footfall in the area and stated that after 5.30 p.m. there was very little activity, but felt that the pub would encourage people to attend in what was a very quiet residential area. He too made reference to the problems caused on match days due to the intensity of the noise and public disorder, and also to problems of parking in the area.
- 4.7 Julie Pullen stated that she had traded on this row of shops since 1991 and it was the first time a licensed premise had been proposed. She added that, apart from match days, the area was very quiet, where the residents enjoyed their own space and a drinking establishment would be totally inappropriate. Her worries were around security in the area and also the proposed bi-fold windows at the premises which would allow more noise to escape to the flats above. Ms. Pullen stated that when she first went to work and live at her premises, there were restrictive covenants as to the type of business use and she thought that a licensed premises was not one of them. She said that previous businesses at the premises had been a sweet shop and a children's clothes shop.
- 4.8 In response to questions asked by the Objectors, they were informed by Samantha Bond that any issues regarding public safety were the responsibility of the Designated Premises Supervisor and that all new applications were presented to the Responsible Authorities to comment on the application and operating schedule. There were no outstanding objections from any Responsible Authorities, with conditions having been agreed with Environmental Protection Services during the consultation period.
- 4.9 Martin McGrail stated that the premises would maintain a zero

tolerance policy at all times with regard to on-street drinking, smoking and noise pollution. He said that the hours of opening in the application stated 12 noon and 11.00 a.m., however it was not intended to start serving alcohol until 3.00 p.m. Mr. McGrail said that he and his partner occupied premises within Kelham Island and were in the process of brewing their own ale and was looking for outlets in and around the city to sell it when it was ready in the new year. He further stated that the premises would be fully sound-proofed, were CCTV compliant and that there would never be any music played or food served. As with other micro-pubs, it was intended to create an old "tap room" sort of environment, where people could go to chat, have a quiet drink and try different local beers.

4.10 In response to questions from Members of the Sub-Committee, Martin McGrail stated that the pub would open at 12 noon to enable staff to ready the bar for serving from 3.00 p.m. onwards. This would be to clean, take deliveries, set up for any promotional events etc. Mr. McGrail added that the majority of the expected clientele would be 30 years of age and above and the staff would be able to manage the small numbers anticipated to attend, and any large groups, stag nights, etc., would be turned away. The frontage to the premises would be kept clear at all times and there would be security staff employed to manage anyone trying to gain access following a football match. Mr. McGrail stated that sealed glass bottles of beers would be sold as "off-sales" only, not available to be drunk on the premises. With regard to sound attenuation works, it was stated that works would be carried out to line the walls and that the ceiling would be "rubber hung" to reduce the noise level to 65 decibels. After the works were completed, testing would be carried out in neighbouring premises to ensure that 65 decibels was not exceeded. Fire safety checks had been carried out and passed and waste would be put in the cellar and removed on a daily basis. As regards the bi-fold windows which were to be installed to allow light and fresh air into the premises, the meeting was informed that the Environmental Protection Service had stipulated that these be closed at 10.00 p.m. each night. Mr. McGrail stated that it was intended to operate under CAMRA principles which were "keep it small, keep it simple" and become part of the CAMRA trail. He added that staff would be fully trained and crowds either from football matches or during events such as tramlines would be risk-assessed and dealt with. Mr. McGrail said that the applicants wished to work with neighbours to deal with any problems that might arise.

4.11 Clive Stephenson outlined the options open to the Sub-Committee.

4.12 **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.

- 4.13 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That, in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, the application for a premises licence at 185 Middlewood Road, Sheffield S6 4HD (Ref. No 77/18) be granted, in the terms requested and subject to the conditions agreed by the applicants and the Environmental Protection Service prior to the hearing, and also subject to the following conditions:-
- (a) prior to the commencement of any licensable activities on the premises, a scheme of attenuation works (as approved by Environmental Protection Service (EPS)) designed to insulate adjoining noise sensitive areas in the building from trading noise, shall have been installed and shall be thereafter retained. Before the scheme of works is installed, full details shall first have been submitted to and approved in writing by the EPS;
 - (b) the Designated Premises Supervisor or other delegated member of staff, shall take a pro-active approach to noise control, checking to ensure that any patrons outside and in the immediate vicinity of the premises do not cause a nuisance to occupiers of nearby residential properties;
 - (c) the Premises Licence Holder shall prominently display notices on all exits reminding patrons to leave the premises in a quiet and orderly fashion and to respect the local neighbours' needs;
 - (d) except for access, egress, and in case of emergency, all doors and windows shall remain closed from 22:00 hours on all days;
 - (e) no live or recorded music shall be played at the premises at any time;
 - (f) no drinking within the immediate vicinity outside the premises shall be permitted;
 - (g) no smoking be permitted within 20 metres of the premises;
 - (h) the use of SIA registered door supervisors will be risk assessed, with records kept and available for inspection by the Responsible Authorities and Sheffield City Council officers. A minimum of one SIA registered door supervisor will be used on

Sheffield Wednesday FC home match days;

- (i) there will be no off sales of alcohol three hours before Sheffield Wednesday FC home match kick-off and two hours after match end; and
- (j) the premises will not open three hours prior to Sheffield Wednesday FC home match kick-off and no new entry to patrons will be permitted until two hours after match end.

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

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