

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 18 September 2018

**PRESENT:** Councillors Josie Paszek (Chair), Lisa Banes and Cliff Woodcraft

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#### **1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Vickie Priestley.

#### **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 - DEVONSHIRE CAT, 49 WELLINGTON STREET, SHEFFIELD S1 4HG**

4.1 The Chief Licensing Officer submitted a report to consider an application, under Section 34 of the Licensing Act 2003, for the variation of a premises licence in respect of premises known as Devonshire Cat, 49 Wellington Street, Sheffield S1 4HG (Ref no.89/18).

4.2 Present at the meeting were Kate Driver (Objector), Toby Grattidge (Designated Premises Supervisor) and Patrick Robson (Solicitor for the applicant), Craig Harper (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser 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 Craig Harper presented the report to the Sub-Committee, and it was noted that an objection to the application to vary the premises licence had been received from one objector, and was attached at Appendix "C" to the report.

4.5 Kate Driver, a local resident, stated that she, along with many other residents in the area were very unhappy with regard to the lack of clarity of the notice of the application and the way it had been displayed. She felt that the general public did not feel empowered to make objections to any licensing applications, and that the wording of the application was very unclear to them. Ms. Driver stated that the application had been made during a "quiet time" in the city centre, when the students were away and the schools were closed. She further stated that, generally, there wasn't any anti-social behaviour from customers of the Devonshire Cat, unlike other licensed premises in the area and had noted that the

application was to bring the opening hours in line with other establishments. She added that she had lived in the area since 1994, when, at the time, it was considered to be a residential area, but felt that the city centre was moving further out towards the Broomhall flats, encompassing it within the night-time economy. Ms. Driver said that noise nuisance up to midnight was annoying but, at weekends, tolerable, however between midnight and 2.30 a.m. it became disruptive and then noise nuisance at 3.30 a.m. became totally unbearable. She accepted that it was difficult to say where the late night revellers were coming from, not necessarily from the Devonshire Cat, but the level of noise and light pollution was causing constant irritation.

- 4.6 In response to questions, Kate Driver stated that she had spoken to other residents who were unaware of the application. She added that when she first lived in the area, the Council used to put notices through letterboxes of residents informing them about forthcoming events, but this no longer happened and it was hard to tell exactly how many residents were affected by the anti-social behaviour and noise nuisance during the early hours of the morning.
- 4.7 Patrick Robson gave a brief history about Abbeydale Brewery, stating that it had been in operation for approximately 20 years and had about 400 outlets nationwide. He stated that the premises were well known as a pub that sold, on the whole, craft beers, and that there was customer demand to stay open the extra hour to prevent them leaving to go elsewhere. Mr. Robson felt that there would be less migration through the city centre were the premises allowed to stay open until 3.00 a.m. He added that it was not the intention to use the extra hour during the week, mainly it would be for Friday and Saturday nights.
- 4.8 At this point in the proceedings, the objector decided that she wanted to leave the hearing. The Chair thanked her for her time and she left.
- 4.9 Toby Grattidge stated that it was becoming more of a necessity to compete with other local late night premises and that it was intended to stay open until 3.00 a.m. on Friday and Saturday nights. He sincerely hoped that the customers of the Devonshire Cat were not responsible for anti-social behaviour and causing noise nuisance and as a business would be very unhappy if that was the case.
- 4.10 Patrick Robson continued by stating that none of the Responsible Authorities had objected to the application and that there was no cumulative impact in place in the area. He noted that the objector's specific issues with regard to the application were general to the area, not specifically to the Devonshire Cat. He added that the applicant was seeking an extension to 3.00 a.m. with a 30 minute wind-down period, whereas other premises close-by stayed open longer with longer wind-down times.
- 4.11 In response to questions from Members of the Sub-Committee, Tony Grattidge stated that the age-range of the clientele varied depending on the time of day. He said that generally those around 50 years of age or over were the teatime drinkers up until 8.00 p.m., after that they were 30 or 40 something, and students very rarely frequented the premises, largely due to the fact that they sold mainly craft beers which tended to be higher in price than other beers. He further stated that if

he were to ask customers to keep the noise down when leaving the premises, they would generally adhere to that request, adding that the premises was not a lively venue, there were no DJs, nor recorded music, just soft background music. Mr. Grattidge said that smokers tended to congregate outside the front door, as there wasn't a beer garden and unfortunately people would talk and laugh whilst stood there in groups.

- 4.12 Patrick Robson summed up by stating that there had never been any issues at the premises, that the Responsible Authorities had not raised any objections and that he had written a "without prejudice" letter to the objector telling her that the line of communication between herself, other residents and the owners of the premises remained open.
- 4.13 Craig Harper outlined the options open to the Sub-Committee.
- 4.14 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.
- 4.15 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.16 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.17 RESOLVED: That in the light of the contents of the report now submitted, together with the representations now made, including the responses provided to the questions raised, the application to vary the premises licence in respect of Devonshire Cat, 49 Wellington Street, Sheffield S1 4HG, be granted (Case No. 89/19).

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