

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 20 November 2018

PRESENT: Councillors David Barker (Chair), Adam Hurst and George Lindars-Hammond

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Vickie Priestley 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 - WATT BAR, CHARLES STREET, SHEFFIELD S1 2NE

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of premises known as Watt Bar, Charles Street, Sheffield S1 2NE (Ref. No. 116/18).

4.2 Present at the meeting were Andrew Grice (Applicant), Patrick Robson (Solicitor for the Applicant), Councillor Ben Miskell (Objector), Councillor Douglas Johnson (Ward Councillor), Sean Gibbons (Environmental Health Officer, Health and Safety Enforcement), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Marie-Claire Frankie 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 in respect of the application had been received from two members of the public, two Councillors and Environmental Services and were attached at Appendix 'B' to the report. Conditions had been agreed with South Yorkshire Police and the Environmental Protection Service and were attached at Appendix "C" to the report.

4.5 Sean Gibbons stated that he had met and worked with the applicant to resolve outstanding issues. He said that the pinch points had been regarding capacity and he produced a plan showing amendments that had been agreed to allow

better circulation of customers and reduce potential overcrowding.

- 4.6 Councillor Ben Miskell introduced himself as a local resident, objector and adjacent Ward Councillor and stated that he was acting on behalf of a large number of residents. He expressed his disappointment at the lack of consultation between the owner and local residents when proposing to open a late night bar within 50 metres of Butcher Works. Councillor Miskell said that he had moved into the property in 2010, and at the time, Environmental Protection Services had carried out a noise level survey and the result had shown that there was low level ambient noise in the area. He went on to say that many of his neighbours had moved to the area because it was considered to be a relatively quiet part of the city centre and no-one had expected that a late night bar would open close by. He suggested, on behalf of himself and other local residents, that the conditions be changed so that the bar closed at 11.00 p.m. every night. He added that the noise level on the fourth floor, where his apartment was situated, had not been checked and in his experience sound was more audible up there than at street level. Councillor Miskell said that the building was a listed building and as such, residents were unable to install double glazing to their windows to block out noise and there was a need to open the windows for ventilation purposes. He requested that the outdoor seating area be vacated by 10.00 p.m., that patrons be not allowed to queue outside the premises and they be asked to leave quietly. Furthermore, he stated that residents were requesting that SIA registered door staff be employed when necessary and that a dedicated telephone number be made available to residents should the need arise to contact the applicant.
- 4.7 Councillor Douglas Johnson stated that he had attended the meeting as a local Ward Councillor and was speaking on behalf of the residents. He reiterated many of the objections already raised and referred to the fact that additional information had been submitted by the applicant's Solicitor. He felt that it would be inappropriate to continue with the hearing due to the fact that the residents had not seen such information, and added that because the planning application was still ongoing, he did not feel the Sub-Committee were in a position to make a proper decision on this matter and he asked that the hearing be deferred.
- 4.8 In response to questions from Members of the Sub-Committee, Councillor Miskell stated that the last time Hallam University had held a late night event, the noise from the outside area was very loud and that the terracing was much further away from his property. He added that Hallam University only held a limited number of late night occasions during the year, which was acceptable. He said that many of his neighbours got up early each day to go to work and also there were families with young children living there. He added that Butcher Works falls within the Cultural Industries Quarter (CIQ), and whilst he welcomed development within the city centre, he would prefer that the CIQ remained a quiet, tranquil part of it. Councillor Miskell said that he and other residents had a good relationship with other businesses in the area, but reiterated that no contact between the applicant and the residents had been made.
- 4.9 Patrick Robson stated that the premises was a former electricity sub-station and there were two other businesses either side of it. It was proposed that the venue would be a bar/restaurant serving craft ales, locally sourced beers and snack

food. Mr. Robson referred to the fact the Responsible Authorities had not raised any objections to the application and that any conditions put forward had been agreed prior to the hearing. He said that there had been no objections from other residents/businesses in the vicinity and there were a number of ways that patrons could disperse from the premises away from Butcher Works. He added that there were 13 other licensed premises in the area and referred to a summary, contained within the bundle of papers circulated at the meeting, of opening hours of such premises, the majority of which had later opening times than those proposed for the Watt Bar. He stated that neither South Yorkshire Police, nor Environmental Health Service, had requested a reduction in hours but his client would agree to final sales to be at 1.30 a.m. and the premises to be empty by 2.00 a.m. on Fridays and Saturdays. He further stated that the applicant, who was also the Designated Premises Supervisor, would be proactive in dealing with noise control and that door staff would be deployed after midnight, if required, to a ratio of 1 to 75 customers, which was beyond the required industry standard of 1:100, and this would be risk assessed as required. With regard to concerns raised about queuing and people congregating outside the premises, Mr. Robson said that the road was a public highway and there would be very little the applicant could do to prevent this. The capacity of the premises was not very large, approximately 100 people inside, 75 people outside and it was not anticipated that there would be much migration from the city centre. He added that double doors would be installed to deal with noise outbreak when people were entering or leaving the premises. Mr. Robson said that 38 conditions had been put forward and the majority of these had been agreed to, and the new conditions raised at the hearing relating to no new entry after 1.00 a.m.; no music to be played if the doors were wedged open; no consumption of alcohol in the outside area after 11.00 p.m. on Fridays and Saturdays and a telephone number being made available to residents if required, were also agreed.

- 4.10 In response to questions from Members of the Sub-Committee, Mr. Robson stated that if a premise was granted longer opening hours, it did not necessarily follow that these would be used and his client would take a view on that once the bar was open. Andrew Grice outlined his career so far and said that whilst he had no experience at all of working in and/or owning a bar, he had employed a bar manager with 15 years' experience. He hoped that the Watt Bar would become an integral part of the CIQ and a "social hub" for the area and that the residents of Butcher Works and other neighbouring residential properties were his target audience. Mr. Grice said that he was recruiting and robustly training his staff with regard to noise prevention and policies will be put in place to deal with any anti-social behaviour if it should arise. The Challenge 25 scheme will be put in place and notices regarding this will be displayed along with, on a notice board in the entrance, the phone numbers of local taxis and also the phone number of the premises. Mr. Grice said that due to the entrance lobby being glazed, he and his staff would be able to see the outside area and, if deemed necessary on days when Sheffield United are playing at home, will engage SIA staff to monitor the situation. With regard to the noise assessment, Mr. Grice said this had been taken from the roof of the premises through the portals, raised from street level. Air-flow systems would be installed to reduce odour emanating from the kitchen, and fresh air conditioning installed in the customer areas. Finally, Mr. Grice said that although it was located in a student area, it was not intended that the bar

would attract students, as it would not be tailored to their needs, nor would there be a student discount voucher scheme.

- 4.11 Councillor Miskell and Patrick Robson were then given the opportunity to sum up their respective cases.
- 4.12 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.13 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.
- 4.14 Marie-Claire Frankie 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.
- 4.16 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 Watt Bar, Charles Street, Sheffield S1 2NE (Ref No.116/18) be granted, in the terms requested and subject to the conditions agreed by the applicant and the Environmental Protection Service and South Yorkshire Police prior to the hearing, the revised condition agreed during the hearing between the applicant and the Environmental Health Officer, and also subject to the following condition:-

Staff will be trained in noise prevention and records of training kept.

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